PATENTS COMMITTEE REPORT – MALAYSIA 2026

A. MALAYSIAN PATENT STATISTICS 2025

	2025
No. of Patent Applications Received	7,922
No. of Patents Granted	4,985
No. of PCT Applications	101

Please refer to Appendix below for full statistics published by MYIPO

B. RECENT CHANGES IN PATENT LAW & REGULATIONS

(1) Extension of the Patent Prosecution Highway Pilot Program between MYIPO and USPTO

The Patent Prosecution Highway (PPH) Pilot Programme between the Intellectual Property Corporation of Malaysia (MyIPO) and the United States Patent and Trademark Office (USPTO), which commenced on 2 March 2023 and was originally scheduled to expire on 1 March 2026, has been extended until 1 March 2029.

The programme enables applicants to request accelerated examination of corresponding patent applications based on favourable patentability findings issued by either participating office, subject to the applicable eligibility requirements. The extension allows applicants to continue benefiting from examination work-sharing between MyIPO and the USPTO.

The extension is confirmed on the USPTO's official website, which also identifies a Memorandum of Understanding dated 2026.

(2) Extension of Filing Deadlines Following Electronic Filing Disruption - MyIPO Practice Notice No. 1/2026

On 9 July 2026, MYIPO issued Practice Notice No. 1/2026 pursuant to Section 87A of the Patents Act 1983, following the temporary unavailability of electronic filing services through MyIPO's IP Online Portal.

The Practice Notice introduced temporary administrative measures to address filing deadlines affected by the disruption. Pursuant to Section 83 of the Patents Act 1983, the Registrar of Patents may extend the prescribed deadlines for specified documents falling between 9 June 2026 and 2 July 2026, to 16 July 2026.

The extension applies to various patent prosecution procedures, including responses to examination reports, observations on preliminary examination reports and incomplete filing date notices, requests for substantive or modified substantive examination, divisional

applications, conversion between patent and utility innovation applications, and requests for deferment of examination.

Applicants who were unable to meet the extended deadline of 16 July 2026 may apply for a further extension of time under Section 82 of the Patents Act 1983, subject to the applicable statutory requirements. Where no filing or further extension request is made, the consequences prescribed under the Act and Regulations will apply.

The Practice Notice further provides that specified documents issued by the Registrar through the IP Online Portal on 9 and 10 June 2026 shall be deemed null and re-issued. Where a response is required, the applicable response period will commence from the date of re-issuance.

These temporary measures were introduced to safeguard applicants' procedural rights and minimise potential prejudice arising from the electronic filing disruption, without introducing permanent amendments to the existing patent legislation.

(3) Proposed Revision of Statutory Patent Fees in Malaysia

In 2026, MYIPO initiated a public consultation on proposed amendments to the statutory patent fees prescribed under the First Schedule to the Patents Regulations 1986, together with the introduction of targeted fee incentives for certain categories of applicants.

The proposed revisions include increasing the patent filing fee from RM290 to RM430, the substantive examination fee from RM1,100 to RM1,650, and the modified substantive examination fee from RM640 to RM960. The proposed increases are generally in the range of approximately 48% to 50%.

MyIPO cited rising operational costs, inflation, the need to modernise its digital infrastructure, and the increasing demand for specialised technical expertise as key reasons for the proposed revisions.

To mitigate the financial impact on certain applicants, MyIPO also proposed fee reductions of up to 20% for a period of three years for eligible categories, including individual applicants, small and medium enterprises (SMEs), research and educational institutions, government agencies and start-ups, subject to eligibility requirements.

The consultation paper invited public feedback by 21 September 2026. **The proposed fee revisions and incentives remain subject to formal adoption and implementation and should not be regarded as having entered into force merely by virtue of the consultation.**

(4) Proposed Implementation of Patent Linkage for Pharmaceutical Products in Malaysia

In 2026, the National Pharmaceutical Regulatory Agency (NPRA), under the Ministry of Health Malaysia, initiated a public consultation on the proposed implementation of a patent linkage mechanism for pharmaceutical products in Malaysia, in line with Malaysia’s obligations under Article 18.53 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

The proposed mechanism seeks to establish a regulatory framework linking the registration of generic pharmaceutical products with the patent status of corresponding original pharmaceutical products. It aims to provide greater transparency in the drug registration process while allowing patent owners an opportunity to seek legal remedies before potentially infringing generic products enter the market.

Under the proposed framework, certain generic drug registration applications would trigger a notification procedure to the relevant patent owner or licensee. Where patent infringement proceedings are commenced within the prescribed notification period, NPRA may defer its registration approval decision for up to 12 months, subject to the conditions set out in the draft guideline.

The proposed mechanism would apply principally to pharmaceutical products for human use, excluding biologics, and would cover specified product patents and method-of-use patents. Patent validity and infringement disputes would remain within the jurisdiction of the Malaysian courts rather than NPRA.

The proposed patent linkage mechanism remains subject to finalisation and implementation. According to NPRA's stakeholder engagement materials, implementation is tentatively scheduled for **1 May 2027**.

C. RELEVANT RECENT COURT DECISIONS

(1) Nehemiah Reinforced Soil Sdn Bhd v RSEG Sdn Bhd & Anor [2025] CLJU 832

The Plaintiff was involved in the design, installation, build, and construction of retaining walls. The 1st Defendant was involved in construction services. The 2nd Defendant was a shareholder of the 1st Defendant, and was previously a Senior Geotechnical Engineer of the 1st Defendant and was then promoted to General Manager of Nehemiah Prestress Sdn Bhd.

The Plaintiff sued the 1st Defendant for patent and copyright infringement, and the 2nd Defendant for patent and copyright infringement as well as breach of contract.

For the patent infringement, the Plaintiff claimed that the Defendants' RSEG Wall product infringed the Plaintiff's Patent No. MY-138580-A entitled "*Improvements to Structural Connecting Means Used in Earth Retaining Wall Structure*" ("**Patent 580**"). The 1st Defendant also filed a patent application for its RSEG Wall product.

(i) With regard to the 2nd Defendant, the High Court dismissed the claim for patent infringement, as evidence adduced only showed infringement by the 1st Defendant. The 2nd Defendant was also not a director of the 1st Defendant and was only a 10% shareholder.

(ii) With regard to the 1st Defendant, the High Court allowed the claim for patent infringement. The High Court considered the expert reports submitted and found that the 1st Defendant's RSEG Wall did infringe Patent 580.

In doing so, the High Court addressed an issue relating to the POSITA. In particular, the High Court rejected the Defendants' expert reports on the grounds that:-

- The Defendants' expert was the 1st Defendant's patent agent during the time the 1st Defendant submitted its patent application for the RSEG Wall product.

- The Defendants' expert admitted during cross-examination that he had held discussions with the 2nd Defendant, who was named as an inventor in the 1st Defendant's patent application.

- Further, the Defendants' expert did not apply any infringement tests when preparing his report. He also prepared his report without reviewing the RSEG Wall itself, and did not know what the Plaintiff's claims for infringement were.

In view of the above, the High Court found that the Defendants' expert would understandably back the 1st Defendant's patent, and would not be objective such that the Court can rely on him.

(2) Infra Puri Sdn Bhd v Avenue S2 Sdn Bhd [2025] CLJU 3935 & [2026] CLJU 2648

The Plaintiff is in the business of developing and commercializing asphalt pavement repair vehicles. They are the owner of a UI No. MY-188401-A entitled "Asphalt Pavement Repair Vehicle" ("**UI 401**"). The Defendant is engaged in engineering construction projects, including asphalt pavement repair equipment. The Defendant developed and distributed a product called "Pothole Patcher"

The Plaintiff claims that the Defendant's product infringed its UI 401 and the Defendant was liable for breach of confidence. The Plaintiff filed for 2 interim applications: one for interim injunction against the Defendant, and another application for joinder of Woo Mun Wei ("**WMW**").

(i) Interim injunction

In deciding whether to grant the interim injunction, the High Court considered, amongst others, if there were serious questions to be tried. In this regard, the High Court found that no serious questions have been raised, for the following reasons:-

(a) Whilst the Plaintiff alleges that the Defendant's Pothole Patcher product contains features that infringe UI 401, however the Plaintiff has not detailed which specific features contravene UI 401.
(b) The Plaintiff did not provide any technical comparison between the Defendant's product and UI 401, and had only made bare allegations.
(c) The documents adduced by the Plaintiff did not substantiate its claim as, amongst others, the draft brochures shown were not disseminated to the public, a vehicle shown bore no link with the Defendant, and there were multiple pothole-repair machines in the market that performed broadly similar functions.

In view of this and other grounds raised, the High Court dismissed the interim injunction application.

(ii) Joinder application

The Plaintiff applied for joinder of WMW in the suit as he was a director of the Plaintiff and was a co-inventor of UI 401. 7 months after resigning from the Plaintiff, WMW joined the Defendant and became an 80% majority shareholder. The Plaintiff argued that, amongst others, WMW should be a part of the suit to avoid multiple infringement proceedings.

The High Court dismissed the Plaintiff's joinder application on the following grounds:-

(a) The Plaintiff's claim for UI infringement was against the Defendant, and not WMW. This dispute between the parties can be determined without the inclusion of WMW.

(b) The inclusion of WMW would change the nature of the character of the suit, from an infringement case against the Defendant, to composite action against 2 different parties with separate burdens of proof and divergent factual inquiries, given that for WMW, this would relate to his conduct, knowledge and fiduciary duties as a director. This was not the case articulated in the first instance.

(3) Veronica Sainik v Meluha Life Sciences Sdn Bhd & Ors [2026] 5 CLJ 934

This was an appeal from the High Court's decision dismissing the Appellant's claims. The Appellant is a Master's student in the Faculty of Dentistry of the University of Malaya (UM). The 1st Respondent is a biotechnology company that collaborates with UM. The 2nd and 3rd Respondents were research consultant and research associate respectively.

The 2nd Respondent had obtained a grant for a project entitled "Isolation, Characterisation and Multilineage Differentiation of Post-Natal Stem Cells from Dental Pulp". The Appellant was involved in the project i.e. to conduct research and collect data. With this data, she would complete her dissertation to obtain her Masters.

Subsequently, the Defendants registered Patent No. MY-166810-A entitled "Isolation, Expansion and Characterisation of Precursor/Stem Cells from Dental Tissues" ("**Patent 810**"). The Appellant alleged that the patent reproduced more than half the content and data from her dissertation, without her knowledge and consent.

The Appellant sued the Defendants for infringing the moral rights in her dissertation and applied to invalidate Patent 810.

At the High Court level, the Court dismissed her claim on the grounds that there was nothing to show the dissertation had been distorted, modified, or mutilated, nor anything proving the alterations were material or damaged her honour or reputation. The High Court also found Patent 810 to be valid as it had been granted in Malaysia and the USA, and had satisfied worldwide novelty.

The Court of Appeal allowed the appeal and reversed the High Court's decision, on amongst others, the following grounds:-

(i) With regard to the validity of Patent 810, the Court of Appeal stated that the Appellant's dissertation, which was published in 2013, constituted prior art that fully anticipates the subject matter in Patent 810, which was filed in 2014.

The Court of Appeal found that the methodologies, data, and findings disclosed in the Appellant's dissertation was publicly accessible, and corresponded substantially to the claims in Patent 810.

Thus, Patent 810 failed to satisfy the requirement of novelty. It did not demonstrate any inventive step that distinguishes it from the prior art. Thus, Patent 810 was declared invalid *ab initio* and was revoked.

(4) Ooi Cheong Kheng v SL Precision Tools & Dies Sdn Bhd & Anor [2026] CLJU 1781

The Plaintiff is the owner of UI No. MY-204321-A entitled "Test Pin Structure" ("**UI 321**"). The Plaintiff entered into a license agreement with the 1st Defendant to sell and distribute a product covered under UI 321 to the 2nd Defendant. Subsequently, the Plaintiff discovered that the 1st Defendant was manufacturing and selling the said product to the 2nd Defendant, without placing any orders with the Plaintiff. The Plaintiff sued the

Defendants for breach of contract, UI infringement, conspiracy to defraud, unjust enrichment, constructive trust, and inducement of breach of contract.

Subsequently, the Plaintiff obtained an Anton Piller Order ("**APO**") against the Defendants to preserve evidence for purposes of trial. The APO was executed accordingly and subsequently, the Defendants applied to set aside the APO.

The High Court dismissed the Defendants' application to set aside on, amongst others, the following ground:-

(i) The Plaintiff had established a strong prima facie case for UI infringement against the Defendants. In this regard, the Plaintiff had adduced sufficient evidence and documents to support its claim for infringement, including photographs and videos from investigations into the Defendants, purchase orders evidencing the supply of the 1st Defendant's produce to the 2nd Defendant, and 3 expert reports on the Defendants' product and infringement.

APAA PATENTS COMMITTEE REPORT – MALAYSIA 2026

APPENDIX — PATENT STATISTICS (2015–2025)

APPLICATION AND GRANTED PATENTS AND UTILITY INNOVATIONS FROM 2015 TO 2025

YEAR	APPLICATION			GRANTED		
	Malaysia	Foreign	Total	Malaysia	Foreign	Total
2015	1,375	6,532	7,907	360	2,548	2,908
2016	1,219	6,176	7,395	373	2,980	3,353
2017	1,300	5,978	7,278	474	4,653	5,127
2018	1,248	6,245	7,493	527	3,855	4,382
2019	1,182	6,561	7,743	655	3,558	4,213
2020	1,110	5,905	7,015	1,363	7,140	8,503
2021	1,003	6,706	7,709	1,168	5,894	7,062
2022	936	6,606	7,542	956	5,249	6,205
2023	940	6,661	7,601	874	4,639	5,513
2024	993	6,435	7,428	909	5,249	6,158
2025	**1,224**	**6,698**	**7,922**	**662**	**4,323**	**4,985**

PCT APPLICATIONS RECEIVED FROM 2015 – 2025

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2,015	10	13	17	13	32	19	28	24	28	32	21	15	252
2,016	10	10	17	14	16	10	7	26	16	21	16	18	181
2,017	10	7	9	10	8	13	14	10	12	14	13	9	129
2,018	8	10	12	11	16	9	10	8	10	13	14	16	137
2,019	14	7	13	7	13	2	14	16	19	17	24	43	189
2,020	11	2	10	7	12	11	19	17	20	39	57	29	234

2,021	5	8	12	16	4	12	11	5	12	18	17	13	133
2,022	7	7	21	1	10	16	11	13	12	11	23	11	143
2,023	6	11	9	9	14	7	7	9	12	10	7	15	116
2,024	6	9	16	7	9	5	9	4	12	6	9	18	110
2,025	8	8	6	4	3	11	8	10	7	16	8	12	101

PATENTS GRANTED BASED ON FIELD OF TECHNOLOGY FROM 2015 – 2025

International Patent Classification (IPC) sections A–H.

Year	A	B	C	D	E	F	G	H	Total
2,015	542	494	642	25	161	198	352	494	**2,908**
2,016	688	472	1,045	36	183	170	304	455	**3,353**
2,017	1,103	852	1,526	44	265	287	460	590	**5,127**
2,018	798	749	895	50	327	336	541	686	**4,382**
2,019	868	644	1,292	43	235	175	412	544	**4,213**
2,020	1,641	1,287	2,145	75	573	522	1,056	1,204	**8,503**
2,021	1,482	1,123	1,739	77	334	493	913	901	**7,062**
2,022	1,269	1,072	1,557	64	290	410	752	791	**6,205**
2,023	1,223	907	1,363	63	217	343	731	666	**5,513**
2,024	1,327	994	1,418	59	257	336	825	942	**6,158**
2,025	1,134	717	1,213	30	240	244	653	754	**4,985**

LIST BY FIELD OF TECHNOLOGY

IPC Section	Field of Technology
A	Human Necessities
B	Performing Operations; Transporting
C	Chemistry; Metallurgy
D	Textiles; Paper
E	Fixed Constructions
F	Mechanical Engineering; Lighting; Heating; Weapons; Blasting
G	Physics
H	Electricity

IPC: International Patents Classification

Source: Intellectual Property Corporation of Malaysia (MyIPO), Statistics of Applications and Registrations. The 2025 figures are shown by MyIPO as “Dec - 2025”.

https://www.myipo.gov.my/statistic-application-registration/