Fundamentals of Patent
Patents: Categories of Inventions

- Article of manufacture
- Machine
- Process
- Composition of matters
What is Patentable?

**Invention**
发明

**New**
新颖性

**Useful**
工业用途

**Inventive**
独创性
Invention

(a) The invention must be such that it permits in practice the solution to a specific problem in the field of technology.

(b) An invention may be or may relate to a product or process.

(c) The invention must be of a "technical character" to the extent that it must relate to a technical field, and must have technical features in terms of which the matter for which protection is sought can be defined in the claim or claims.

(d) If the contribution is abstract or intellectual and not of a technical character, there is no invention within the meaning of Section
Novelty

(a) An invention is new if it is not anticipated by prior art.

(b) Prior art is anything disclosed to the public anywhere in the world, by written publication, by oral disclosure, by use, or in any way prior to the priority date.

(c) One year grace period
Inventive/Obvious

- Obvious/ Non Inventive if a person of ordinary skill in the area with no inventive abilities would have been led to the solution directly and without difficulty

- Inventive proven if smart person says: “I wouldn’t have thought of that”
Industrial Applicability

- An invention shall be considered industrially applicable if it can be made or used in any kind of industry.

- Articles or processes alleged to operate in a manner clearly contrary to well-established physical laws, e.g. a perpetual motion machine.

- Invention
- Application
- Patent Issue
- Expiration

- Prosecution
- Enforcement

Patent Term - 20 Years
Patent Procedure (Malaysia)

1. Novelty Search (RM1,100)
2. Drafting of Patent Specification (RM6,000~RM8,000)
3. Filing of Application with Specification (RM 1,400)
4. Application Number and Priority Date
5. Extension to Overseas within 12 months from filing date
6. Examination (RM1,800)
7. Publication 18 months from the filing date
8. Grant (RM400) 2~3 years
9. Renewal On a yearly Basis

*Note: Kindly refer to the PATENT HANDBOOK for the details.*
**Patent Procedure (US)**

1. **Novelty Search (RM1100)**
   - 1~2 Weeks

2. **Drafting of Patent Specification (RM6,000-RM8,000)**
   - 1~2 Months

3. **Security Clearance (RM1,000)**

4. **Filing of Application with Specification (USD 3000)**

5. **Extension to Overseas**
   - within 12 months from filing date

   - Within 18 months from the filing date

7. **Publication (USD 600)**
   - 18 months from the filing date

8. **Grant (USD 1,400)**
   - 3.5, 7.5, 11.5 years

9. **Renewal**

*Note: Kindly refer to the PATENT HANDBOOK for the details.*
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