



# ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN MALAYSIA

MINISTRY OF DOMESTIC TRADE AND  
CONSUMER AFFAIRS (MDTCA)  
MALAYSIA

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# BACKGROUND OF ENFORCEMENT DIVISION, MDTCA

Established on 17 April 1972 under the Ministry of Trade and Industry (MTI) – to curb inflation  
On 27 October 1990, the Ministry was restructured to form two ministries namely the Ministry of International Trade and Industry (MITI) and the Ministry of Domestic Trade and Consumer Affairs (MDTCA).

## MAIN CORE DUTIES:

Empowering enforcement to deal with rising cost of living.

Enforcement and protection of intellectual property rights

Enforcement of trade laws and protects consumer rights

Enforcement and eradication of malpractices in subsidized controlled goods

2258 enforcement officers (as at 25/1/2021)

72 branches

12 Acts

- Intellectual Property Corporation of Malaysia (MyIPO) is the custodian of IP law in Malaysia, but have no enforcement mechanism.

- Enforcement of criminal IP is under the jurisdiction of MDTCA.



# ENFORCEMENT MECHANISM AND STATUTES RELATED.

01



Copyright Act 1987

Trade Mark Act 2019 (December 2019)



02

03



Trade Description Act 2011

Optical Disc Act 2000



04



# ENFORCEMENT MECHANISM AND STATUTES RELATED.

**Several Efforts To Protect Copyright And Trade Mark**

**Clean up shopping malls, reminders to landlord / premises' owner ( 1862 notices )**

**Arrest case, charge the accused in less than one month**

**Remove contents, take down infringing websites – specific section/team to monitor online matters**

**Business compliant; combat software piracy; campaign by the Industry (BSA)**

**Cripple syndicates**

**Amendments of the Trade Mark Act 2019**

**Public awareness**

**Awareness to shopping mall: self regulatory campaign (year 2020) (110 Malls, 5,242 premises)**



## **POWERS UNDER THE LAW**

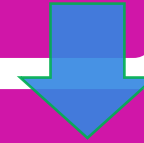
**The powers related to enforcement of piracy and counterfeit goods are as follows :**

- Power to enter premises, inspect and seize goods;**
- Power of investigations, require of information;**
- Power of arrest;**
- Access to digitalized data;**
- Power to forfeit seized goods;**
- Evidence of agent provocateur.**



# CRIMINAL ACTION PROCEDURES

Identify targets



Lodge official complaint



Operations



Search & seizure



Verification by CR/TM owner



# IPR OFFENCES FINES

## Copyright Act 1987

- Makes for sale/hire, sells/offer for sale, distribute, possess, import, etc.
- Penalties :
  - min. MYR2,000 (USD550) - max MYR20,000 (USD5,508) per infringing copy and/or max. 5 years imprisonment

## Trademarks Act 2019

- Under Section 102 of TMA, any person who imports into Malaysia for the purpose of trade or manufacture, sells or offers or exposes for sale, or has in his possession, custody or control for the purpose of trade or manufacture, any goods to which a registered Trademark is falsely applied under Section 100 of TDA 2019, will be liable to a fine.
- Penalties:
  - Corporation max. MYR15,000 (USD4,131) for each goods;
  - Individual MYR10,000 (USD2,754) for each goods and/or 3 years imprisonment

## Trade Description Act 2011

Applies false trade description, supplies/offer to supply, expose, possess, custody or control goods with false description

Penalties:

Corporation max. MYR15,000 (USD4,131) for each goods;  
Individual MYR10,000 (USD2,754) for each goods and/or 3 years imprisonment





# COORDINATION WITH OTHER ENFORCEMENT AGENCIES

Customs (KDRM) – border

Malaysian Communications and Multimedia Commission (MCMC) – online piracy / counterfeit

Local Council – information on ownership of businesses

Police (PDRM) - arrest case, intelligence sharing

Co-operation with IPR owners:  
- intelligence sharing  
Product training

- **Several steps taken by the government to combat piracy and counterfeit goods:**
  - **Special Task Force Committee (co-operation with LEAs)**
  - **Special Unit to tackle online piracy and counterfeit issues**
  - **Co-operation with brand owners (intelligence, operations, training)**
  - **Action also taken under AMLATFPUAA 2001**



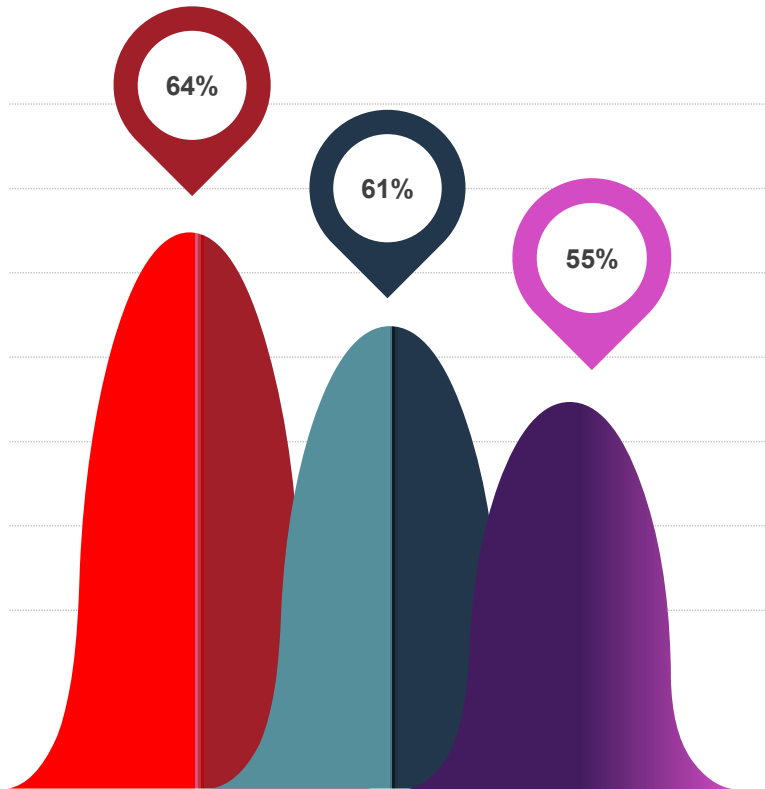
## AWARD AND RECOGNITION

**MDTCA has received certificates and letters of appreciation from the Asia Video Industry Association (AVIA) based in Hong Kong, English Premier League, London, LV and ASTRO Malaysia Berhad.**





# Research Study by Asia Video Industry Association (AVIA) 2020



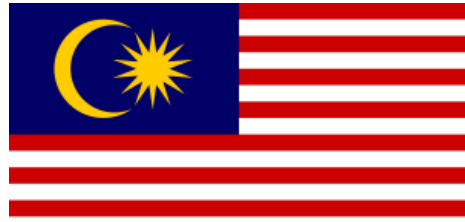
A 64 % decline in Malaysian consumers accessing piracy streaming sites.



A 61 % decline in illicit streaming device (ISD) usage



55 % of online consumers have noticed piracy services being blocked by the MDTCA



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**THANK YOU**