

MINISTRY OF DOMESTIC TRADE AND
CONSUMER AFFAIRS (MDTCA)
MALAYSIA

ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN MALAYSIA

INTELLECTUAL PROPERTY SECTION
ENFORCEMENT DIVISION

AZEEM BIN NAZURI
SENIOR PRINCIPAL ASSISTANT DIRECTOR

BACKGROUND OF PRESENTATION



01

Background of protection and laws of IP in Malaysia

02

Enforcement mechanism and statutes related.

03

Powers under the law

04

Statistics of cases taken by MDTCA

05

Co-ordination with other enforcement agencies

06

Gallery



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



BACKGROUND OF PROTECTION AND LAWS OF IP IN MALAYSIA

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

- Malaysia was placed in the USTR Priority Watch List in 2000 and 2001. In 2002, significant improvement was made on IPR protection. Malaysia was then removed from the Priority Watch List.

- In 2012 Malaysia had been removed from the Watch List.

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

- 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



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)



STATISTICS OF COUNTERFEIT CASES (2019 – MARCH 2022)

GOODS	YEAR				TOTAL
	2019	2020	2021	2022	
FOODS AND BEVERAGES	21	6	12	1	40
COSMETICS	17	4	16	14	51
LIQUOR / BEER	12	14	0	3	29
PETROLEUM PRODUCT	26	0	2	0	28
ELECTRICAL GOODS	2	1	1	0	4
COMMUNICATION EQUIPMENT	28	1	13	8	50
COMPUTER EQUIPMENT	14	1	6	4	25
VEHICLE SPAREPART	15	3	3	0	21
CLOTHES	189	46	73	19	327
STATIONERY	1	2	0	0	3
LEATHER GOODS	101	1	29	8	139
CIGARETTES	1	1	2	0	4
SPECTACLES	8	2	3	0	13
WATCHES	23	50	5	1	79
MEDICINES	0	19	1	6	26
SHOES	124	30	25	11	190
OTHERS	81	834	104	11	1030
JUMLAH	663	1015	295	86	2059



SEIZURE VALUE (2019 – MARCH 2022)

GOODS	YEAR				TOTAL
	2019	2020	2021	2022	
FOODS AND BEVERAGES	82,724	7,079	50,389	315	140,507
COSMETICS	72,213	100,921	246,003	171,083	590,220
LIQUOR / BEER	868,640	26,865	-	27,119	922,624
PETROLEUM PRODUCT	1,069,757	-	1,062	-	1,070,819
ELECTRICAL GOODS	799,465	104,480	9,628	-	913,573
COMMUNICATION EQUIPMENT	157,225	5,625	48,996	131,271	343,117
COMPUTER EQUIPMENT	2,124,359	6,790	10,030	1,400	2,142,579
VEHICLE SPAREPART	3,375,979	45,113	56,956	-	3,478,048
CLOTHES	2,602,476	1,499,819	4,177,830	189,055	8,469,180
STATIONERY	288	62,607	-	-	62,895
LEATHER GOODS	1,271,395	11,700	206,934	47,736	1,537,765
CIGARETTES	240,000	3,380,000	2,500	-	3,622,500
SPECTACLES	138,875	95,120	47,203	41,330	322,528
WATCHES	147,924	284,293	104,746	-	536,963
MEDICINES	-	10,684	8,455	4,386	23,525
SHOES	3,633,004	265,442	3,068,970	898,381	7,865,797
OTHERS	1,516,561	26,946,006	2,525,099	92,939	31,080,605
JUMLAH	18,100,885	32,852,544	10,564,801	1,605,015	63,123,245

**RM 63,123,245.00
= 14,717,197.44
US Dollars**



STATISTICS OF COPYRIGHT CASES (2016 – APRIL 2021)

YEAR	ACT			TOTAL OF CASE
	APD (LCO) 2010	AHC 1987	ACO 2000	
2019	89	71	0	160
2020	71	32	0	103
2021	14	23	0	37
2022	0	5	0	5
TOTAL	174	131	0	305

YEAR	ACT			TOTAL (RM)
	APD (LCO) 2010	AHC 1987	ACO 2000	
2019	683,481	1,034,903	0	1,718,384
2020	134,084	660,550	0	794,634
2021	163,840	468,902	0	632,742
2022	0	9,254	0	9,254
TOTAL	981,405	2,173,609	0	3,155,014

SITE BLOCKING

- 2019 : 438
 - 2020 : 644
 - 2021 : 347
 - Mac 2022 : 626
- Total: 2055**

CONTENT REMOVAL

- 2019 : 277
 - 2020 : 620
 - 2021 : 163
 - Mac 2022 : 778
- Total: 1838**

**RM 3,155,014.00 =
739,404.97 US Dollars**



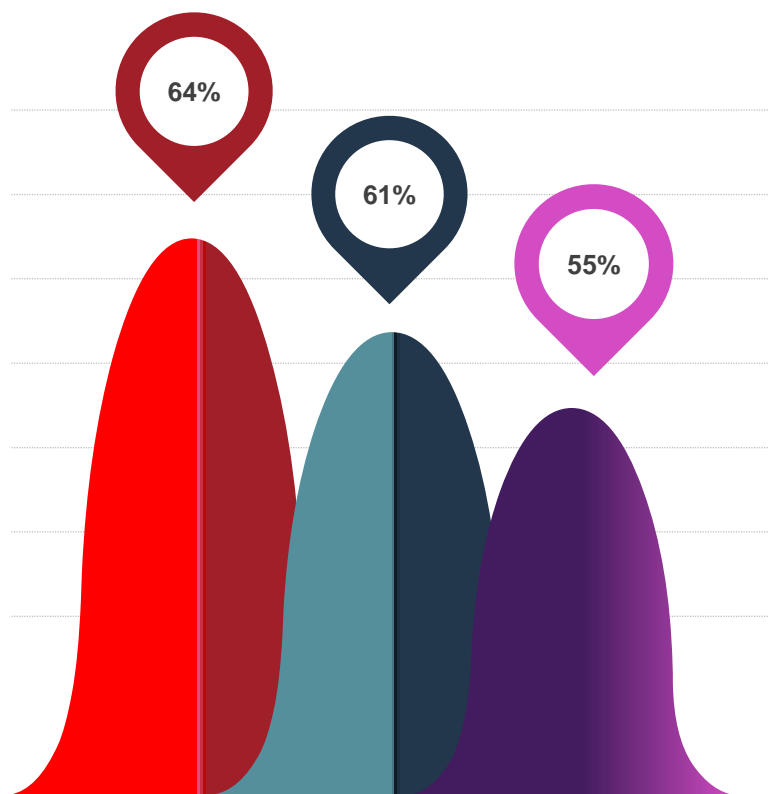
AWARD AND RECOGNITION

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



SITE BLOCKING' ACHIEVEMENT IN 2020

SUCCESS



LOADING...

49%

Consumers no longer browse pirated sites

40%

Consumers rarely accessed pirated sites

20%

Increased subscription to a paid streaming service

15%

Consumers spend more time watching Malaysian A/VOD streaming services





INITIATIVES TO COMBAT DIGITAL PIRACY

The Cyber Copyright Enforcement (CyCORE) program has been created with the aim of combating the distribution of copies of local films in digital form through the internet medium on websites.





CO-ORDINATION WITH OTHER ENFORCEMENT AGENCIES

Customs (KDRM) –
border

Police (PDRM) - arrest
case, intelligence
sharing

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

Malaysian Rubber Board
(MRB)

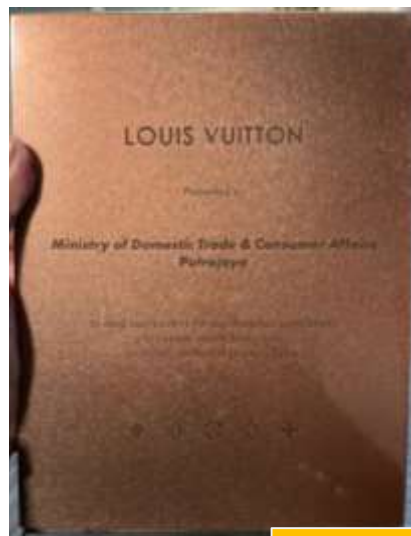
Local Council –
information on
ownership of
businesses

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



GALLERY

Engagement with various agencies, associations and industries :



LOUIS VUITTON MALLETIER (LV)



Alliance Against Counterfeit Spirit (AACS)



ONLINE DISCUSSION WITH HEINEKEN & CARLSBERG



GALLERY

Engagement with various agencies, associations and industries :



Astro



RTM



Music Industry



RIM



Multimedia Entertainment S/B





GALLERY



COSMETICS

LIQUOR / BEER



SOFTWARE – Microsoft Office



GALLERY



CLOTHES & SHOES



GALLERY



LEATHER GOODS



GALLERY



PETROLEUM PRODUCT



STATIONERY



GALLERY



UTAMA MUTAKHIR GLOBAL ARENA RAP/RAPXTRA BISNES METROTV COVID-19 PKP PKS AGRO SPEKTRUM

AKADEMIA RTMETRO MUANSA SANTAI P&P DEKOTAMAN WM ADDIN RENCANA SHAT XPRESI VROOM GALERI INFOGRAFIK



Sumber berita bisnes harian
anda kini di sini
Kis Malaysia Berbisnis

Kesian kucing, terpaksa makan makanan tiruan

MyMetro / Mutakhir

Share Tweet



FOODS AND BEVERAGES



GLOVE



WATCHES



GALLERY



OPTICAL DISC ACT & COPYRIGHT ACT



GALLERY

**OPS DIGITAL PIRACY-
TELEGRAM**

**COMPLAINANT :
ASTRO**





GALLERY

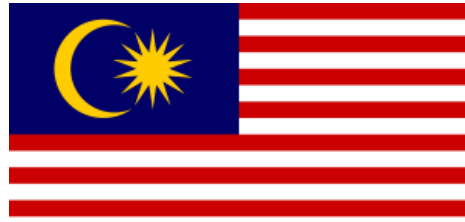
**OPS TROJAN- ANDROID
BOX**

**COMPLAINANT :
ASTRO**



**OPS - DIGITAL PIRACY
(INTERNET)**

**COMPLAINANT : SKOP
PRODUCTION (FILEM
MUNAFIK)**



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THANK YOU

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