

Patents (Waiver of Fee) Regulations 2020

The newly-enacted **Patents (Waiver of Fee) Regulations 2020** (“**Regulations**”) comes into force on 1 January 2021 in an effort to address time restrictions and reduce the financial strain imposed upon many businesses and individuals as a result of the COVID-19 pandemic.

Waiver of fees

Pursuant to the Regulations, an owner of a patent or a certificate for a utility innovation may apply to waive the surcharge imposed upon the late payment of annual fees if:

- (1) they are affected by the control and prevention measures implemented to tackle the spread of COVID-19 under the Prevention and Control of Infectious Diseases Act 1988; and
- (2) the term for the patent or the certificate for a utility innovation expires between 1 January 2021 and 30 June 2021.

Application for waiver of fee

The prerequisites for such an application are as follows:

- (1) the application must be made within 6 months following the expiration of the patent or certificate for a utility innovation, and must be accompanied by payment of the annual fee;
- (2) the application must be supported by documentation which shows:
 - a) where the owner of the patent or certificate for a utility innovation is an individual, such owner:
 - i) is in the B40 group and receives *Bantuan Sara Hidup* or *Bantuan Prihatin Nasional*; or
 - ii) has lost his job and income, or his income is affected by the control and prevention measures;

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- b) where the owner of the patent or certificate for a utility innovation is a body corporate or unincorporated, such body:
- i) has obtained approval for the extension of moratorium or any repayment flexibility from financial institution;
 - ii) has cash flow problems affected by the control or prevention measures; or
 - iii) has pecuniary indebtedness and problems on repayment of debts due to control or prevention measures.

In the event that a patent or the certificate for a utility innovation has more than one proprietor, it suffices if one of the proprietors satisfies the requirements.

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