




Perbadanan Harta Intelek Malaysia
Intellectual Property Corporation of Malaysia

Perbadanan Harta Intelek Malaysia
(Intellectual Property Corporation of Malaysia)
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NOTIFICATION OF PROVISIONAL REFUSAL OF AN INTERNATIONAL REGISTRATION DESIGNATING MALAYSIA

1.	Office making the notification : Intellectual Property Corporation of Malaysia (MyIPO)
2.	Date of the provisional refusal : 23/02/2022
3.	International Registration Number : 1589811
4.	Malaysia Trademark Number : TM2021016120 Class Number(s) : 43
5.	Name of the Holder : Dining Innovation Investment Inc.
6.	Representation of the mark : 
7.	Basis for refusal : This total provisional refusal is based on an ex-officio examination.
8.	Scope of refusal in respect of goods and/or services: This refusal applies to all goods claimed in Class(es) 43

9. Grounds of Refusal :

Translation and Transliteration

9.1 This application is refused under Section 17(3) of the Trademarks Act 2019 and Regulation 12(1) of the Trademarks Regulations 2019.

Objection :

The trademark contains or consists of a word which is not in Roman character, or national language or English Language. To overcome our objection(s), you must provide the Registrar with the translation and transliteration of the word and the language to which the word belongs before we can accept your designation.

Provisional refusal applies for all the goods and/or services claimed.

10. Relevant law :

The relevant provisions of the Trademarks Act 2019 and Trademarks Regulations 2019 are attached.

11. Respond to the refusal :

This provisional refusal will be reviewed if the holder file a request with MyIPO. The request for review must be submitted through a registered trademark agent and must quote the International Registration number, Malaysia trademark number and class number(s). The holder must appoint a registered agent by filing form **Fee Code TMR7** (RM20.00) and the list of trademark agents can be accessed at <http://www.myipo.gov.my>

12. Timeframe for responding :

If the holder does not respond or does not apply for an extension of time by **23/04/2022**, this refusal will become final.

Request for an extension of time to respond to this provisional refusal is possible by filing form **Fee Code TMK1** (RM50.00) and form **Fee Code TMK3** (RM 100.00) per month.

13. This refusal is issued by :

Noorhabibah binti Bahrum
for the Registrar of Trademarks
Malaysia

T: 03-2299 8951 | E: noorhabibah@myipo.gov.my

Trademarks Act 2019

Application for registration of trademark

17. (1) Any person who claims to be the bona fide proprietor of a trademark may apply for the registration of the trademark if—
- (a) the person is using or intends to use the trademark in the course of trade; or
 - (b) the person has authorized or intends to authorize another person to use the trademark in the course of trade.
- (2) An application for the registration of trademark shall be made in the form as determined by the Registrar within the prescribed period together with the payment of the prescribed fee.
- (3) If the trademark applied for registration contains or consists of a word which is not in Roman characters, or the national language or English language, the applicant shall, within the prescribed period, furnish the Registrar with the following:
- (a) the transliteration of the trademark;
 - (b) the translation of the trademark; or
 - (c) any information as determined by the Registrar.
- (4) If the requirements under subsection (2) or (3) are not complied with within the prescribed period, the application shall be deemed withdrawn.
- (5) A person who applies for the registration of trademark may request to the Registrar for an expedited examination by filing an application in the form as determined by the Registrar within the prescribed period together with the payment of the prescribed fee.

Trademarks Regulations 2019

Translation and transliteration

12. (1) Where a trademark contains or consists of a word which is not in Roman characters, or the national language or English language, the applicant shall, unless the Registrar otherwise directs, upon filing the application for registration of the trademark, furnish the Registrar with the following information:
- (a) a translation of the word in the national language or English language;
 - (b) a transliteration of the word, if the case requires; and
 - (c) the language to which the word belongs.
- (2) If the applicant fulfills the requirement under subregulation (1) on different days, the date of filing shall be subject to subregulation 14(5).
- (3) The Registrar may, if dissatisfied with the translation or transliteration, require the applicant to file a copy of the translation or transliteration, certified or verified to the satisfaction of the Registrar.
- (4) Where the applicant fails to furnish a copy of the translation or transliteration, the application shall be deemed withdrawn.