

## Courtesy Visit to the Enforcement Division of the Ministry of Domestic Trade, Co-operatives and Consumerism (15 July 2011)

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Contributed by Brian Law, Deputy Chairperson, and Foong Cheng Leong, Member, Bar Council Intellectual Property Committee, with photos by Mazni Ibrahim, Officer, Bar Council

The Bar Council Intellectual Property Committee ("IPC") paid a courtesy visit to the Enforcement Division of the Ministry of Domestic Trade, Co-operatives and Consumerism ("MDTCC") at 10:00 am, on 15 July 2011 (Friday). The IPC members, who were received by Mohd Roslan b Mahayudin, Director-General, and other senior officers from the Enforcement Division of MDTCC, were led by Wong Jin Nee and Brian Law, Chairperson and Deputy Chairperson of IPC, respectively.

Amongst the important topics discussed during the visit were the core features of the new Trade Descriptions Bill 2011 ("TDB 2011"), which had been passed by Parliament recently. MDTCC had expected the TDB 2011 to come into force sometime in the beginning of 2011 and that the Trade Descriptions Act 1972 ("TDA 1972") would thereby be repealed. One of the key features of the TDB 2011 was that only registered trademark owners could apply for the Trade Description Order ("TDO"), while under the TDA 1972, common law owners could apply for the TDO as well. Furthermore, the validity period of the TDO has been reduced, from five years under the TDA 1972 to only one year under the TDB 2011.

IPC members were also informed that MDTCC had been utilising the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 against offenders of intellectual property laws such as the Copyright Act 1987 and the Optical Disc Act 2000.

IPC members were also updated regarding the status and implementation of the "Basket of Brands" scheme initiated by MDTCC. Under the scheme, brand owners who had cooperated with MDTCC would be given priority to follow up and verify the seizures of counterfeit goods made. These brand owners would also be registered with MDTCC in respect of their enforcement actions. IPC members were also told that the detailed guidelines for the scheme would be issued shortly by MDTCC.

The courtesy visit, which ended at about 11:30 am, drew to a close with Wong Jin Nee presenting a souvenir, on behalf of Bar Council, to Mohd Roslan b Mahayudin.