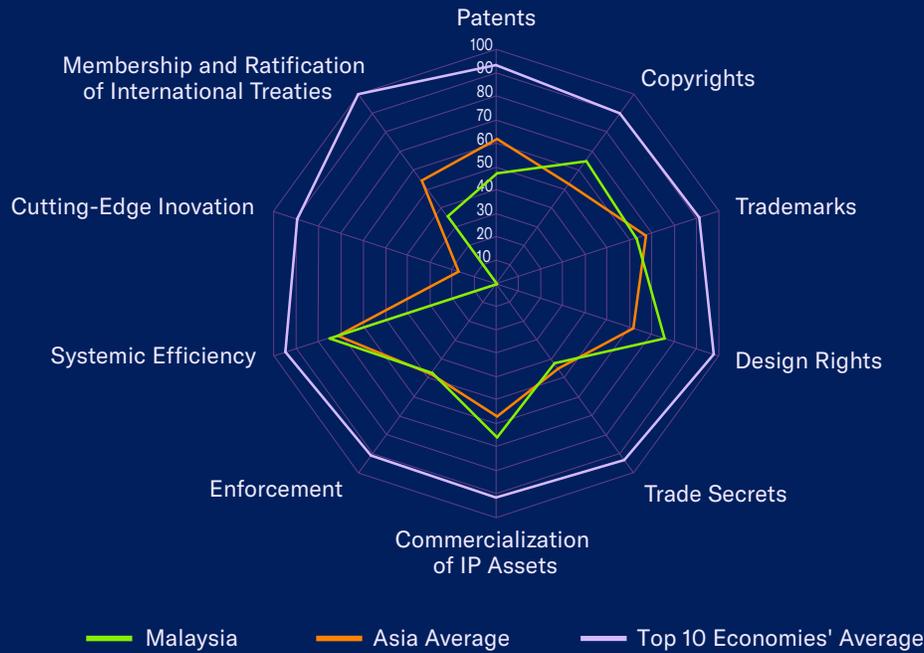
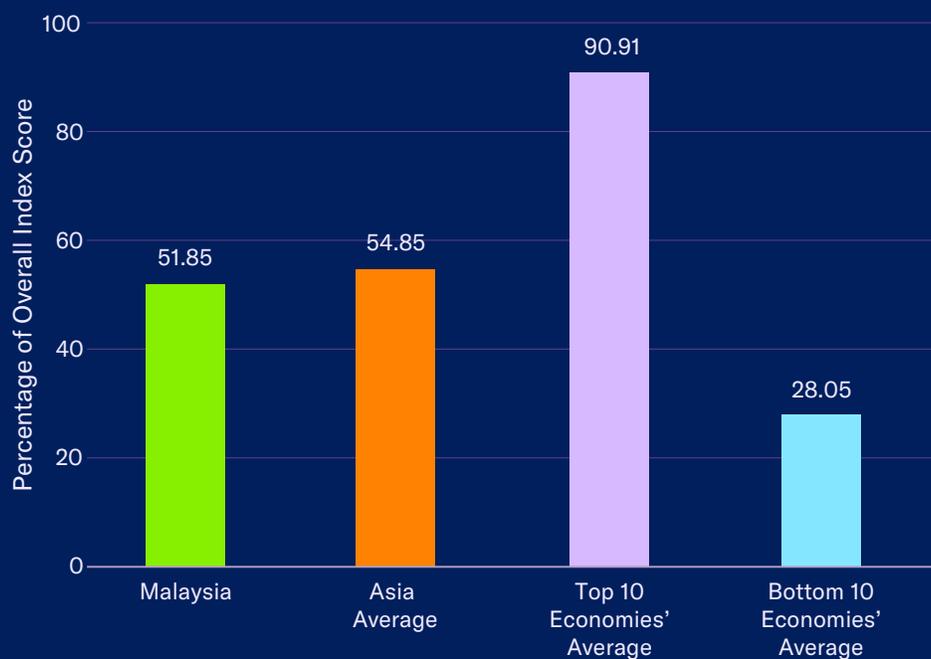




Category Scores



Overall Score in Comparison





Key Areas of Strength

- Strong enforcement efforts against infringing set-top boxes continued through Malaysian Communications and Multimedia Commission and Ministry of Domestic Trade and Consumer Affairs
- 2022 amendments to the Patent Act provide for a defined pathway of post-grant opposition proceedings
- 2020 Trademark Act amendments strengthen enforcement environment
- Generous R&D and IP specific tax incentives in place
- Intellectual Property Corporation of Malaysia (MyIPO) has PPH agreements in place with both the EPO and JPO
- Strong focus by Malaysian government on IP as a commercial asset and technology transfer

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Government use license (the equivalent of a compulsory license) issued in 2017 for sofosbuvir, a breakthrough medicine to treat Hepatitis C
- *De facto* RDP full term of protection is not offered to new products
- Patent term restoration not offered

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations	4.25	29. Direct Government intervention in setting licensing terms	0.00
1. Term of protection	1.00	30. IP as an economic asset	0.50
2. Patentability requirements	1.00	31. Tax incentives for the creation of IP assets	0.67
3. Patentability of CII	0.25	Category 7: Enforcement	3.28
4. Plant variety protection	1.00	32. Physical counterfeiting rates	0.54
5. Pharmaceutical-related enforcement	0.00	33. Software piracy rates	0.49
6. Legislative criteria and active use of compulsory licensing	0.00	34. Civil and procedural remedies	0.50
7. Pharmaceutical patent term restoration	0.00	35. Pre-established damages	0.50
8. Membership of a Patent Prosecution Highway	0.50	36. Criminal standards	0.75
9. Patent Opposition	0.50	37. Effective border measures	0.50
Category 2: Copyrights and Limitations	4.53	38. Transparency and public reporting by Customs	0.00
10. Term of protection	0.53	Category 8: Systemic Efficiency	3.75
11. Exclusive rights	0.75	39. Coordination of IP rights enforcement	0.75
12. Expeditious legal remedies disabling access to infringing content online	0.75	40. Consultation with stakeholders during IP policy formation	1.00
13. Cooperative action against online piracy	0.75	41. Educational campaigns and awareness raising	0.75
14. Limitations and exceptions	0.50	42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
15. TPM and DRM	0.75	43. IP-intensive industries, national economic impact analysis	0.75
16. Government use of licensed software	0.50	Category 9: Cutting-Edge Innovation	0.00
Category 3: Trademarks Rights and Limitations	2.50	44. IP incentives for orphan medicinal product development	0.00
17. Term of protection	1.00	45. IP incentives for orphan medicinal product development, term of protection	0.00
18. Protection of well-known marks	0.50	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
19. Exclusive rights, trademarks	0.75	Category 10: Membership and Ratification of International Treaties	2.50
20. Frameworks against online sale of counterfeit goods	0.25	47. WIPO Internet Treaties	1.00
Category 4: Design Rights and Limitations	1.50	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
21. Industrial Design Term of Protection	1.00	49. Patent Law Treaty and Patent Cooperation Treaty	0.50
22. Exclusive rights, industrial design rights	0.50	50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
Category 5: Trade Secrets and the Protection of Confidential Information	1.25	51. Membership of the Convention on Cybercrime, 2001	0.00
23. Protection of trade secrets (Civil Remedies)	0.50	52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
24. Protection of trade secrets (Criminal Sanctions)	0.25	53. Post-TRIPS FTA	0.50
25. Regulatory data protection term	0.50		
Category 6: Commercialization of IP Assets	3.92		
26. Barriers to market access	1.00		
27. Barriers to technology transfer	0.75		
28. Registration and disclosure requirements of licensing deals	1.00		

Total Score: 27.48

Spotlight on the National IP Environment

Past Editions versus Current Score

Malaysia's overall score has increased from 26.73 out of 53 indicators in the 13th edition to 27.48. This reflects a score increase on indicators 42 and 53.

Copyrights and Limitations; and Enforcement

14. Scope of limitations and exceptions to copyrights and related rights:

Like many other Index economies, the use of machine learning and AI-based technologies and applications is increasing in Malaysia. In the last few years, the Malaysian government has introduced several new initiatives to establish an appropriate legal and policy environment for the use and application of these technologies. This includes, for example, the Ministry of Science, Technology, and Innovation (MOSTI)'s *Malaysia National Artificial Intelligence Roadmap 2021-2025*. This *Roadmap* sets out the overarching policy objectives for developing and harnessing AI and machine learning technologies to boost Malaysia's economic development, innovation capacity, and international competitiveness. In late 2024, the *National Guidelines on AI Governance and Ethics* were published, and a National AI Office was established. As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data.

However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. The *National Guidelines* document is largely silent on IP issues, specifically on the interaction between AI and copyright protection. The document simply states that IP issues related to the use of generative AI will be addressed in future editions. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Systemic Efficiency

42. Targeted Incentives for the creation and use of IP assets for SMEs:

Malaysia has historically not offered a wide range of IP incentives targeting SMEs. The Malaysian Intellectual Property Corporation (MyIPO) has not provided SMEs with reduced IP registration filing fees, and while accelerated patent reviews are available under specific conditions, including for green technologies, these are not SME-specific. Similarly, most technical assistance programs have been aimed at a general audience rather than small businesses. For example, the existing network of WIPO-supported TISC centers is concentrated at universities and research institutes, providing support services primarily to academic staff and researchers. In a positive development, in 2025, the government introduced new SME-focused IP technical assistance programs in Malaysia, including an expanded WIPO IP Management Clinic Program.

This program supports dozens of Malaysian SMEs with tailored advice on developing IP assets, commercializing them, and securing financing. WIPO and ASEAN support the program. As a result of this positive activity, the score on this indicator increased by 0.25.

Membership and Ratification of International Treaties

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:

As noted in the Index, in 2022, Malaysia formally ratified the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Following the United States' withdrawal from the original Trans-Pacific Partnership (TPP), the CPTPP was fundamentally revised, with many provisions of the original treaty suspended. Numerous critical provisions were excluded from Chapter 18 (Intellectual Property), including those on patentable subject matter, biopharmaceutical-specific IP rights such as regulatory data protection, copyright protection and enforcement, and protections relating to satellite and cable signals. Still, the text of the CPTPP retains some important aspects of the original TPP's IP provisions, including, for example, provisions relating to trade secrets and border enforcement. Specifically, Article 18.78 Trade Secrets requires contracting parties to provide appropriate protection against the misappropriation, improper acquisition, use, or disclosure of trade secrets or confidential business information. Critically, Subsections 2 and 3 also require contracting parties to provide minimum criminal procedures and penalties.

The CPTPP also provides an unambiguous requirement that border officials in all contracting parties have the right to take *ex officio* action against suspected infringing goods, including against goods in transit, destined for export, and not intended for the domestic market.

Article 18.76(5) of the treaty states: "Each Party shall provide that its competent authorities may initiate border measures *ex officio* with respect to goods under customs control that are: (a) imported; (b) destined for export; or (c) in transit." These are all important post-TRIPS IP standards covered as discrete indicators in the Index. Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in scoring methodology used and the fact that the CPTPP has been ratified and is in effect, the score on this indicator has increased by 0.50.