



LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED
TEXT OF REPRINT

Act 414

EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT 1963

As at 1 December 2011

**EMBLEMS AND NAMES (PREVENTION OF
IMPROPER USE) ACT 1963**

First enacted	...	...	...	...	...	1963 (Act No. 19 of 1963)
Revised	...	...	...	...	...	1989 (Act 414 w.e.f. 28 December 1989)
Latest amendment made by P. U. (B) 501/1995 which came into operation on	...	...	...	...	...	3 November 1995

PREVIOUS REPRINTS

<i>First Reprint...</i>	...	...	...	...	2001
<i>Second Reprint</i>	...	...	...	...	2006

LAWS OF MALAYSIA**Act 414****EMBLEMS AND NAMES (PREVENTION OF
IMPROPER USE) ACT 1963**

ARRANGEMENT OF SECTIONS

Section

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SCHEDULE

LAWS OF MALAYSIA**Act 414****EMBLEMS AND NAMES (PREVENTION OF
IMPROPER USE) ACT 1963**

An Act to prevent the improper use of certain emblems and names for professional and commercial purposes.

[1 September 1963]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Emblems and Names (Prevention of Improper Use) Act 1963.

Interpretation

2. In this Act, unless the context otherwise requires—

“competent authority” means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent;

“specified emblem” means any emblem, seal, flag, pennant, insignia, formation sign, ensign or coat-of-arms specified in Part I of the Schedule;

“specified name” means any name specified in Part II of the Schedule and includes any abbreviation of any such name.

Prohibition of improper use of emblems, names and pictorial representations

3. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Minister —

- (a) use any specified name or specified emblem, or any colourable imitation thereof, for the purpose of any trade, business, calling or profession;
- (b) use for the purposes of, or display as an advertisement for, any business, trade, calling or profession, or sell, any photograph, drawing or other pictorial representation of the Yang di-Pertuan Agong or the Raja Permaisuri Agong;
- (c) use or continue to use any specified name or specified emblem, or any colourable imitation thereof, in the title of any patent, or in any trade mark or design; or
- (d) make for the purposes of sale or sell or have in his possession for sale, any specified emblem.

(2) Paragraph (1)(b) relating to the use of any photograph, drawing or other pictorial representation aforesaid shall not apply to the publication of news (whether in a newspaper or by any other medium) or to the publication of any article in a newspaper.

(3) The Minister may subject any permission given under subsection (1) to such conditions as he may deem fit.

Prohibition of registration of certain companies, etc.

4. Notwithstanding anything contained in any law for the time being in force, no competent authority shall—

- (a) register any company, firm or other body or persons under any name;

- (b) register a trade mark or design which bears any emblem, name, photograph, drawing or other pictorial representation; or
- (c) grant a patent in respect of an invention which bears a title containing any emblem or name,

if the use of such name, emblem, photograph, drawing or pictorial representation would be in contravention of section 3.

Penalty

5. Any person who contravenes section 3 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit.

Sanction for prosecution

6. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction in writing of the Public Prosecutor.

Power to amend Schedule

7. The Yang di-Pertuan Agong may, by notification in the *Gazette*, add to or alter the Schedule.

SCHEDULE

[Sections 2 and 7]

PART I—EMBLEMS

1. The standards, coats-of-arms and official seals of the Yang di-Pertuan Agong and the Raja Permaisuri Agong.
2. The Public Seal of the Federation.

3. The Federation Coat-of-Arms.
4. The emblem or official seal of the United Nations Organization.
5. The Orders, Insignias, Medals, Badges and Decorations instituted by statutes of the Yang di-Pertuan Agong.
6. The emblem of the International Criminal Police Organization which is also known as “Interpol” or “ICPO-Interpol”.
7. The emblem of the Central Bank of Malaysia.

PART II—NAMES

1. The name of the Yang di-Pertuan Agong.
 2. The name of the Raja Permaisuri Agong.
 3. The name of the International Criminal Police Organization which is also known as “Interpol” or “ICPO-Interpol”.
 4. The name of the Central Bank of Malaysia.
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LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (B) 74/1982	Notification under Section 7 of the Emblems and Names (Prevention of Improper Use) Act 1963	19-02-1982
P.U. (B) 501/1995	Notification under Section 7 of the Emblems and Names (Prevention of Improper Use) Act 1963	03-11-1995

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
5	Act 160	29-08-1975
Schedule	P.U. (B) 74/1982 P.U. (B) 501/1995	19-02-1982 03-11-1995
