



Patent Agent
Trademark Agent
Industrial Design Agent
Company Secretary

General Enquiries
general@apylaw.com.my

Corporate & Commercial
corporate@apylaw.com.my

Dispute Resolution
litigation@apylaw.com.my

Our Team

Amanda Pang
Partner
LLB (Hons) Cardiff
LLM (Commercial) Cardiff
Barrister (Middle Temple)

Alan Yee
Partner
LLB (Hons) London
Certificate of Legal Practice

Mohd Yusri
Legal Associate
LLB (Hons) IIUM

Menara Centara
Unit 12-01, Level 12,
No. 360, Jalan Tuanku
Abdul Rahman, 50350
Kuala Lumpur, Malaysia

+603-2694 0900
general@apylaw.com.my

Trademark Advisory vs Trademark Registration: What's the Difference?

By **Amanda Pang** on Sep 23, 2026

When a business decides to protect its brand, one of the first steps is often to register its trademark. But trademark registration can involve more than simply preparing and filing an application.

There are different ways to obtain trademark filing assistance, through a law firm, a registered trademark agent, a filing agent, or by filing the application independently.

The more important question is not necessarily who should file the trademark, but what level of assistance does the business actually require? This is where it is useful to understand the distinction between trademark registration and trademark advisory.

What is trademark registration?

Trademark registration generally involves the process of preparing and submitting a trademark application and dealing with the procedural requirements involved in obtaining registration.

For a straightforward application, a business may already know:

- who should own the trademark;
- what mark is being registered;
- which goods and services are relevant;
- which classes should be covered; and
- what the business intends to do with the brand.

Where the position is clear and there are no wider legal or commercial issues, filing assistance may be all that is required.

What is trademark advisory?

Trademark advisory goes beyond the mechanics of filing. It involves considering the legal and commercial circumstances surrounding the trademark and advising on issues that may affect its ownership, protection, use or future development.

A lawyer or registered trademark agent may provide both filing and advisory services. A filing agent may assist with the filing and provide practical guidance within the scope of their work. The appropriate level of assistance depends on the circumstances.



Patent Agent
Trademark Agent
Industrial Design Agent
Company Secretary

General Enquiries
general@apylaw.com.my

Corporate & Commercial
corporate@apylaw.com.my

Dispute Resolution
litigation@apylaw.com.my

Our Team

Amanda Pang
Partner
LLB (Hons) Cardiff
LLM (Commercial) Cardiff
Barrister (Middle Temple)

Alan Yee
Partner
LLB (Hons) London
Certificate of Legal Practice

Mohd Yusri
Legal Associate
LLB (Hons) IIUM

Menara Centara
Unit 12-01, Level 12,
No. 360, Jalan Tuanku
Abdul Rahman, 50350
Kuala Lumpur, Malaysia

+603-2694 0900
general@apylaw.com.my

Questions businesses should consider

For companies and in-house legal teams, there are a few practical questions worth considering before deciding what assistance is needed.

Who should own the trademark?

This may seem straightforward, but ownership can become more complicated where a business has multiple companies or is undergoing a corporate change.

If the business is being restructured, split up, sold or reorganised, who should own the IP? Should it belong to the operating company, a holding company, a founder or another related entity? The answer may have implications beyond the initial trademark application.

Is the trademark connected to a wider transaction?

A trademark may form part of a merger, acquisition, investment, restructuring or due diligence exercise. In these circumstances, the trademark should not necessarily be considered in isolation. Its ownership and registration may need to be considered alongside the wider transaction.

Are there existing commercial arrangements?

Existing licensing, distribution, franchise, investment or shareholder arrangements may affect how the trademark is owned or used. These arrangements may be relevant when deciding how the trademark should be structured and protected.

What are the future plans for the brand?

It is also useful to consider where the business expects the brand to go. Will there be new products? Overseas expansion? Licensing or franchising? New investors or a change in corporate structure? These considerations may affect the approach to trademark protection from the outset.

Why Getting the Approach Right Matters

If none of these issues arise, a business may simply need filing assistance. Where they do arise, advisory may form part of the trademark application process. The level of advice can vary, from a focused consultation or search strategy to more comprehensive legal and IP advice.

Some issues are also much easier to address before filing than after. For example, ownership is not merely an administrative question. Knowingly making a false entry in the Trademarks Office or Register can attract a fine of up to RM50,000, imprisonment of up to 5 years, or both.

This is one example of why a trademark application can sometimes require consideration beyond the filing itself.



Patent Agent
Trademark Agent
Industrial Design Agent
Company Secretary

General Enquiries
general@apylaw.com.my

Corporate & Commercial
corporate@apylaw.com.my

Dispute Resolution
litigation@apylaw.com.my

Our Team

Amanda Pang
Partner
LLB (Hons) Cardiff
LLM (Commercial) Cardiff
Barrister (Middle Temple)

Alan Yee
Partner
LLB (Hons) London
Certificate of Legal Practice

Mohd Yusri
Legal Associate
LLB (Hons) IIUM

Menara Centara
Unit 12-01, Level 12,
No. 360, Jalan Tuanku
Abdul Rahman, 50350
Kuala Lumpur, Malaysia

+603-2694 0900
general@apylaw.com.my

Choosing the Right Level of Assistance

When seeking assistance with a trademark, it is useful to first understand what the business actually needs help with. If the requirement is simply to file a clearly defined application, filing assistance may be sufficient.

If there are questions around ownership, transactions, commercial arrangements, scope of protection or the future use of the brand, it may be appropriate to obtain professional advisory as part of the process. The level of professional involvement should therefore be driven by the circumstances and complexity of the matter, rather than by the label attached to the service.

Ultimately, trademark registration is sometimes a straightforward filing exercise. In other cases, the filing is only one part of a broader legal and commercial consideration. Being mindful of that distinction can help businesses identify the right level of assistance and address important issues at the right stage.

This article is intended for general information purposes only and may be subject to change over time. It should not be regarded as legal or professional advice. If you have any queries regarding trademark registration, trademark advisory, or related intellectual property matters, please feel free to contact us at apy@apylaw.com.my.