



LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED
TEXT OF REPRINT

Act 718

AGENSI INOVASI MALAYSIA ACT 2010

As at 1 December 2016

AGENSI INOVASI MALAYSIA ACT 2010

Date of Royal Assent 29 December 2010

Date of publication in the 30 December 2010
Gazette

LAWS OF MALAYSIA**Act 718****AGENSI INOVASI MALAYSIA ACT 2010**

ARRANGEMENT OF SECTIONS

PART I**PRELIMINARY**

Section

1. Short title and commencement
2. Application
3. Interpretation

PART II**AGENSI INOVASI MALAYSIA**

4. Agensi Inovasi Malaysia
5. Functions of the Agency
6. Powers of the Agency
7. Governance Council
8. Alternate members
9. Allowance
10. Vacation of office
11. Meetings
12. Procedure at meetings
13. Minutes
14. Council may invite others to meetings
15. Resolutions without meetings

Section

16. Council may establish committees
17. Vacation of office of member of committee
18. Disclosure of interest

PART III

CHIEF EXECUTIVE OFFICER, OFFICERS AND EMPLOYEES OF THE
AGENCY

19. Chief Executive Officer
20. Employment of officers and employees
21. Conduct and discipline of officers and employees

PART IV

FINANCE

22. Operational Fund
23. Innovation Fund
24. Conservation of Operational Fund and Innovation Fund
25. Expenditure and preparation of estimate
26. Financial year
27. Accounts and reports

PART V

PROVISIONS RELATING TO INTELLECTUAL PROPERTY

28. National intellectual property central depository
29. Acquisition of intellectual property
30. Right to promote, develop and commercialize intellectual property

PART VI

OTHER POWERS OF THE AGENCY

Section

31. Power to appoint Innovation Ambassador
32. Power to employ agents, *etc.*
33. Power to establish companies, *etc.*
34. Power to invest
35. Power to borrow
36. Power to delegate functions and powers
37. Power to endorse innovative products or services

PART VII

MISCELLANEOUS

38. Obligation of secrecy
39. Public Authorities Protection Act 1948
40. Public servant
41. Power to make regulations
42. Offence for providing false or misleading information
43. Offence for unauthorized modification of the information or documents
44. Validity of acts and proceedings
45. Acts done in anticipation of the enactment of this Act
46. Vesting of rights, interests, obligations and liabilities upon expiry of Act

LAWS OF MALAYSIA**Act 718****AGENSI INOVASI MALAYSIA ACT 2010**

An Act to incorporate the Agensi Inovasi Malaysia, to stimulate and develop the innovation eco-system in Malaysia towards achieving Vision 2020, and to provide for matters connected and incidental thereto.

[15 April 2011, P.U. (B) 175/2011]

ENACTED by the Parliament of Malaysia as follows:

PART I**PRELIMINARY****Short title and commencement**

1. (1) This Act may be cited as the Agensi Inovasi Malaysia Act 2010.

(2) This Act comes into operation on a date to be appointed by the Prime Minister by notification in the *Gazette*.

Application

2. (1) This Act shall apply for a period until 31 December 2020.

(2) Notwithstanding subsection (1), the Prime Minister may, by order published in the *Gazette*, extend the application of the Act.

(3) An order made under subsection (2) shall be laid before both Houses of Parliament.

Interpretation

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

“Agency” means the Agensi Inovasi Malaysia established under section 4;

“Innovation Ambassador” means the Innovation Ambassador appointed under section 31;

“intellectual property” include copyright, patent, trademark, integrated circuit layout design, geographical indication and industrial design whether registered or otherwise and manifested or stored in any form whatsoever;

“innovation” means any idea or knowledge in whatever form which brings about changes in the form of product, service or process resulting in positive impact to the economy, business, public service delivery system, social well-being or the environment;

“committee” means the committee established by the Governance Council under section 16;

“Chief Executive Officer” means the Chief Executive Officer appointed under section 19;

“national intellectual property central depository” means the depository established under section 28;

“Council” means the Governance Council established under section 7.

PART II

AGENSI INOVASI MALAYSIA

Agensi Inovasi Malaysia

4. (1) A body corporate by the name of “Agensi Inovasi Malaysia” is established.

(2) The Agency shall have perpetual succession and a common seal.

(3) The Agency may sue and be sued in its name.

(4) Subject to and for the purposes of this Act, the Agency may, upon such terms as it deems fit—

(a) enter into contracts;

(b) acquire, purchase, take, hold and enjoy movable and immovable property of every description; and

(c) convey, assign, surrender, yield up, charge, mortgage, demise, lease, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest vested in the Agency.

Functions of the Agency

5. The functions of the Agency are as follows:

(a) to formulate national policies, strategies and directions relating to innovation;

(b) to organize, co-operate in and coordinate the performance of activities with the public and private sector to stimulate innovation in Malaysia;

- (c) to conduct inquiries, survey and analysis of data, research and development relating to innovation and the national innovation eco-system;
- (d) to promote and facilitate investment activities and initiatives by the public and private sector in relation to innovation;
- (e) to further promote the culture of innovation in the public, private and education sectors in Malaysia;
- (f) to advise the Government in matters relating to innovation;
- (g) to make recommendations relating to the innovation component of existing or future strategic national projects;
- (h) to carry out any other functions as it deems fit to enable it to perform its functions effectively or which is incidental to the performance of its functions.

Powers of the Agency

6. (1) The Agency shall have the power to do all things expedient or reasonably necessary for or incidental to the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Agency shall include the power—

- (a) to carry on all activities, particularly activities which are commercial in nature, which appear to it to be requisite, advantageous or convenient for or in connection with the performance of its functions;

- (b) subject to any written law, to call for information on matters relating to innovation in furtherance of the performance of its functions; and
- (c) subject to subsection (3), to impose fees or charges for any service rendered in the exercise of its powers and the performance of its functions.

(3) Any fees or charges to be imposed shall be prescribed in the regulations made under section 41.

Governance Council

7. (1) The Agency shall be administered by a council to be known as the “Governance Council”.

(2) The Council shall consist of the following members:

- (a) the Prime Minister as the Chairman;
- (b) the Minister charged with the responsibility for science, technology and innovation;
- (c) the Minister charged with the responsibility for domestic trade, cooperatives and consumerism;
- (d) the Minister charged with the responsibility for higher education;
- (e) the Minister charged with the responsibility for finance;
- (f) the Minister in the Prime Minister’s Department charged with the responsibility for the Economic Planning Unit;
- (g) the Chief Executive Officer; and

- (h) ten other members who, in the opinion of the Prime Minister, possess the relevant qualifications, special knowledge or experience in the subject of innovation, science, technology, business, economics or government policies.

(3) A member referred to in paragraph (2)(h) shall be appointed by the Prime Minister and shall, unless he sooner resigns, vacates his office or his appointment is sooner revoked, hold office for a term not exceeding three years.

(4) A member referred to in paragraph (2)(h) shall be eligible for reappointment but no member shall hold office for more than three terms consecutively.

Alternate members

8. (1) The Prime Minister may, in respect of each member appointed under paragraph 7(2)(b) to (f), appoint an alternate member to attend, in place of that member, meetings of the Council when the member is for any reason unable to attend.

(2) When attending meetings of the Council, an alternate member shall, for all purposes, be deemed to be a member of the Council.

(3) An alternate member shall, unless he sooner resigns or his appointment is sooner revoked, cease to be an alternate member when the member in respect of whom he is an alternate ceases to be a member of the Council.

Allowance

9. (1) The members of the Council shall not be paid any fixed monthly remuneration.

(2) Notwithstanding subsection (1), the members of the Council shall be paid such allowances as the Prime Minister may determine in

relation to attending to meetings of the Council and matters related to the Council.

Vacation of office

10. (1) The office of a member of the Council appointed under paragraph 7(2)(h) shall be vacated if—

- (a) he dies;
- (b) there has been proved against him, or he has been convicted of, a charge in respect of—
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (c) he becomes a bankrupt;
- (d) he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) he absents himself from three consecutive meetings of the Council without leave of the Chairman;
- (f) his resignation is accepted by the Prime Minister; or
- (g) his appointment is revoked by the Prime Minister.

(2) Where a member of the Council appointed under paragraph 7(2)(h) ceases to be a member of the Council, the Prime Minister may

appoint another person to fill the vacancy for the remainder of the term for which the vacating member was appointed.

Meetings

11. (1) The Council shall convene its meetings at least once in every three months and the meeting shall be held at the time and place specified in a written notice by the Chairman.

(2) The Chairman may authorize the use of live video, television links or other appropriate communication or multimedia facilities for the purposes of any meeting of the Council.

Procedure at meetings

12. (1) The Chairman shall preside at all meetings of the Council.

(2) If the Chairman is absent from any meeting of the Council, he may appoint any member of the Council to replace him as the chairman of the meeting.

(3) The quorum of the Council shall be five.

(4) Every member except the Chief Executive Officer shall be entitled to one vote.

(5) Where there is an equality of votes, the Chairman or the member replacing the Chairman referred to in subsection (2) shall have the casting vote.

(6) The Council may regulate its own procedure.

Minutes

13. (1) The Council shall cause the minutes of all its meetings to be maintained and kept in proper form.

(2) Any minutes made of a meeting of the Council shall, if duly signed by the Chairman, be admissible in evidence in all legal proceedings without further proof.

(3) Every meeting of the Council in respect of which minutes of the proceedings have been made in accordance with subsections(1) and (2) shall be deemed to have been duly convened and held and all members at the meeting to have been duly qualified to act.

Council may invite others to meetings

14. (1) The Council may invite any other person to attend any meeting of the Council for the purpose of advising the Council on any matter under discussion, but the person so attending is not entitled to vote at the meeting.

(2) Any person invited under subsection (1) may be paid such allowances as the Council may determine.

Resolutions without meeting

15. (1) Subject to subsection (2), the Council may, where necessary, pass a resolution without meeting.

(2) The following conditions shall be complied with:

- (a) all members of the Council have been informed of the proposed resolution, or reasonable efforts have been made to inform all members of the Council of the proposed resolution; and
- (b) all members of the Council indicate agreement with the resolution in accordance with the method determined by the Council.

Council may establish committees

16. (1) The Council may establish any committee as it considers necessary or expedient to assist it in the performance of its functions.

(2) The Council may appoint any person to be a member of any committee established under subsection (1).

(3) The Council shall appoint the chairman of the committee established under this section.

(4) The committee shall be subject to and act in accordance with any direction given by the Council.

(5) The committee shall meet as often as may be necessary at such times and places as the chairman of the committee may determine.

(6) The committee may regulate its own procedure.

(7) The committee may invite any other person to attend any meeting of the committee for the purpose of advising the committee on the matter under discussion, but the person so attending is not entitled to vote at the meeting.

(8) The members of the committee or any person invited under subsection (7) to attend any meeting of the committee may be paid such allowances as the Council may determine.

(9) All decisions made by the committee shall be tabled during the meeting of the Council.

(10) The committee shall cause minutes of all its meetings to be maintained and kept in proper form, and copies of the minutes shall be submitted by the committee to the Council as soon as practicable.

Vacation of office of member of committee

17. (1) The office of a member of a committee appointed under section 16 shall be vacated if—

- (a) he dies;
- (b) there has been proved against him, or he has been convicted of, a charge in respect of—
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (c) he becomes a bankrupt;
- (d) he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) he absents himself from three consecutive meetings of the committee without leave of the Council;
- (f) his resignation is accepted by the Council; or
- (g) his appointment is revoked by the Council.

(2) Where a member of the committee ceases to be a member, the Council may appoint another person to fill the vacancy for the remainder of the term for which the vacating member was appointed.

Disclosure of interest

18. (1) Any member of the Council or a committee having directly or indirectly any interest in relation to any matter under discussion by the Council or the committee shall disclose to the Council or the committee, as the case may be, the fact of his interest and the nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Council or the committee, as the case may be.

(3) Upon disclosure under subsection (1), the member—

- (a) shall not take part in or be present during any discussion or decision of the Council or the committee; and
- (b) shall be disregarded for the purpose of constituting a quorum of the meeting of the Council or the committee,

relating to the matter.

(4) A member of the Council or the committee who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(5) No act or proceeding of the Council or the committee shall be invalidated on the ground that any member of the Council or the committee has contravened this section.

PART III

CHIEF EXECUTIVE OFFICER, OFFICERS AND EMPLOYEES
OF THE AGENCY

Chief Executive Officer

19. (1) The Prime Minister shall appoint a Chief Executive Officer on such terms and conditions as he may determine.

(2) The Chief Executive Officer shall be responsible for the general conduct, administration and management of the functions, activities and day-to-day affairs of the Agency.

(3) The Chief Executive Officer shall have general control of the officers and employees of the Agency.

(4) The Agency shall vest in the Chief Executive Officer such powers and impose upon him such duties as may be determined by the Agency.

(5) The Chief Executive Officer shall not decide on matters pertaining to policy and the strategic direction of the Agency without the approval of the Council.

(6) The Chief Executive Officer shall exercise reasonable care, skill, diligence and proper judgment in exercising his duties under this Act.

(7) The Chief Executive Officer is deemed to have exercised proper judgment referred to in subsection (6) if he—

- (a) makes the judgment in good faith for a proper purpose;
- (b) does not have a material personal interest in the subject matter of the judgment;

- (c) is informed about the subject matter of the judgment to the extent he reasonably believes to be appropriate under the circumstances; and
- (d) reasonably believes that the judgment is in the best interest of the Government and the Agency.

Employment of officers and employees

20. (1) The Agency may employ such number of officers and employees as the Agency thinks desirable and necessary upon such terms and conditions of service as may be determined by the Agency for carrying out the purposes of this Act.

(2) An officer and employee of the Agency shall, at all times, act in good faith and comply with such requirements, standards, duties and code of conduct as may be determined by the Agency.

(3) No person shall be eligible for employment as an officer or employee of the Agency if he has, directly or indirectly, any share or interest in any contract or proposed contract with, for or on behalf of the Agency.

(4) The Agency may adopt with such modifications as it deems fit any regulations, rules, policies, circulars or directives enacted or issued by the Federal Government in relation to any matter under this Part.

Conduct and discipline of officers and employees

21. (1) The Agency shall have disciplinary authority over all its officers and employees and shall exercise disciplinary control over such persons.

(2) The Agency may make such regulations to provide for the conduct and discipline of its officers and employees.

- (3) The regulations made under this section may include—
- (a) provisions for the establishment of appropriate disciplinary committees and the procedures to be complied with;
 - (b) provisions for the establishment of a disciplinary appeal committee to hear appeals from the decision of a disciplinary committee and the procedures to be complied with; and
 - (c) provisions for—
 - (i) the interdiction with reduction in salary or other remuneration; or
 - (ii) the suspension without salary or other remuneration,of an officer or employee of the Agency during the pendency of the disciplinary proceedings.
- (4) The regulations made under this section may create such disciplinary offences and provide for such disciplinary punishments as the Agency may deem appropriate, and the punishments so provided may extend to dismissal or reduction in rank.
- (5) The regulations made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for representations to be made by the officer or employee of the Agency against whom the disciplinary proceedings are taken before a decision is arrived at by the disciplinary committee on such disciplinary charge laid against such person.

PART IV

FINANCE

Operational Fund

22. (1) For the purposes of this Act, the Agency shall establish and maintain an Operational Fund.

(2) The Operational Fund shall consist of the following:

- (a) moneys received by the Agency in performing its functions under this Act;
- (b) such sums as may be provided from time to time for the purposes of this Act by Parliament;
- (c) moneys earned by the operation of any project or activities financed from the Fund;
- (d) sums borrowed by the Agency for the purposes of meeting any of its obligations or discharging any of its duties; and
- (e) all other sums or property which may in any manner become payable to or vested in the Agency in respect of any matter incidental to its functions, powers and duties.

(3) The Operational Fund shall be expended for the following purposes:

- (a) the payment of any operational expenses, costs or expenditure properly incurred or accepted by the Agency in the performance of its functions or the exercise of its powers under this Act;
- (b) any purchase made by the Agency;

- (c) the payment of remuneration, allowances, benefits, reimbursement and expenses of officers and employees of the Agency and members of the Council or committee;
- (d) the repayment of any moneys borrowed under this Act and the interest due thereon;
- (e) the payment of contributions and donations for purposes of corporate social responsibility.

(4) Notwithstanding paragraph (2)(c), the moneys referred to in the paragraph which are in excess of the financial requirements of the Agency for the performance of its functions may be paid into the Federal Consolidated Fund.

Innovation Fund

23. (1) For the purposes of this Act, the Agency shall establish and maintain an Innovation Fund.

(2) The Innovation Fund shall consist of all moneys and property received by the Agency from the Government, any organization, body corporate or institution solely for the purposes of research activities and initiatives relating to innovation, and shall be disbursed for such like purposes, including funding of selected innovation determined by the Agency.

Conservation of Operational Fund and Innovation Fund

24. It shall be the duty of the Agency to conserve the Operational Fund and the Innovation Fund by so performing, exercising and discharging its functions, powers and duties under this Act so as to secure that the total revenues of the Agency are sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.

Expenditure and preparation of estimate

25. (1) The expenditure of the Agency up to such amount as may be authorized by the Prime Minister for one year shall be defrayed out of the Operational Fund and Innovation Fund.

(2) Before the end of September of each year, the Agency shall submit to the Prime Minister an estimate of the expenditure, including—

- (a) projected budget and expenses for Operational Fund and Innovation Fund;
- (b) proposed activities and projects to be carried out; and
- (c) the key performance indicators of the proposed activities and projects to be carried out,

by reference to which the development, performance or position of the Agency can be measured effectively.

(3) The Prime Minister shall, before the beginning of the following year, notify the Agency of the amount authorized for expenditure generally or of the amount authorized for each description of expenditure based on the estimates prepared under subsection (2).

(4) The Agency may, at any time, submit to the Prime Minister a supplementary estimate of its expenditure for any one year and the Prime Minister may allow the whole or any part of the additional expenditure included in the supplementary estimate.

(5) The Prime Minister may direct the Agency to submit a copy of the estimate or supplementary estimate, as the case may be, to such other public authority as may be specified in the direction.

Financial year

26. The financial year of the Agency shall begin on 1 January and end on 31 December of each year.

Accounts and reports

27. (1) The Agency shall cause to be kept proper accounts of the Operational Fund and the Innovation Fund and reports of its activities and shall, as soon as practicable after the end of each financial year, caused to be prepared for that financial year—

- (a) a statement of accounts of the Agency which shall include a balance sheet and an account of income and expenditure; and
- (b) a statement of its activities.

(2) The Agency shall as soon as possible send a copy of the statements of accounts and statements of activities mentioned in subsection (1) certified by the Auditor General and a copy of the Auditor General's report to the Prime Minister who shall cause them to be laid before both Houses of Parliament.

(3) The Statutory Bodies (Account and Annual Reports) Act 1980 [*Act 240*] shall apply to the Agency.

PART V

PROVISIONS RELATING TO INTELLECTUAL PROPERTY

National intellectual property central depository

28. (1) The Agency shall establish a national intellectual property central depository.

(2) All intellectual property which materialize from any research finding or project, whether fully or partially funded by the Government, shall be registered with the national intellectual property central depository.

(3) For the purposes of this Part, subsection (2) shall include existing intellectual property whether or not registered under any other written law.

Acquisition of intellectual property

29. (1) The intellectual property in any research finding or project which is fully or partially funded by the Government and any private body or organization may be acquired by the Agency subject to the terms of any agreement between the Agency and the private body or organization.

(2) The Agency may acquire any intellectual property in any research finding or project which is privately owned by entering into agreement with the owner and the intellectual property acquired under this subsection shall be registered with the national intellectual property central depository.

Right to promote, develop and commercialize intellectual property

30. (1) Subject to subsection (2), the Agency shall have the right to promote, develop and commercialize any of the intellectual property which is registered with the national intellectual property central depository.

(2) The Agency shall, before promoting, developing or commercializing the intellectual property under section 29, obtain the consent from the owner of the intellectual property.

PART VI

OTHER POWERS OF THE AGENCY

Power to appoint Innovation Ambassador

31. (1) The Agency may, in consultation with any ministry, Government institution or agency and Federal Government linked company, appoint such number of Innovation Ambassadors to advise the Ministry, Government institution or agency and Federal Government linked company on matters relating to innovation as the Agency considers necessary.

(2) The person appointed under subsection (1) as an Innovation Ambassador shall be paid such remuneration or allowances by the Agency as the Agency may determine.

(3) The Innovation Ambassador shall be under the general control of, and shall report to, the Agency.

(4) For the purposes of subsection (1), the Innovation Ambassador shall be placed at the Ministry, Government institution or agency and Federal Government linked company.

(5) The terms and conditions of the placement and the matters to be advised by the Innovation Ambassador shall be agreed upon by the Agency and the Ministry, Government institution or agency and the Federal Government linked company concerned.

(6) The Innovation Ambassador shall table a report to the Council with regard to his placement at the Ministry, Government institution or agency and Federal Government linked company.

(7) Where an Innovation Ambassador is appointed under subsection (1), the Ministry, Government institution or agency and Federal Government linked company shall co-operate with the Innovation Ambassador.

Power to employ agents, etc.

32. The Agency may employ agents, experts, consultants or any other person as it deems fit to do any act required to be transacted or done in the performance of its functions, the exercise of its powers or the discharge of its duties or for the better carrying into effect the purposes of this Act.

Power to establish companies, etc.

33. (1) The Agency may establish companies under the Companies Act 1965 [*Act 125*] to carry out and have the charge, conduct and management of any activities, projects or initiatives which have been planned or undertaken by the Agency in the performance of its functions or the exercise of its powers.

(2) The Agency may, in fulfilment of its functions and with the approval of the Prime Minister—

- (a) enter into any partnership, joint venture, undertaking or any other form of co-operation or arrangement for the sharing of profits or carry on its activities in association with, or otherwise, any person, public authority or government carrying on or engaging in any such activities; or
- (b) take or otherwise acquire shares and securities in any public authority, corporation or other body dealing with the commercialization of innovation and may sell, hold or reissue such shares or securities or otherwise dispose of or deal with them.

(3) Subject to the approval of the Prime Minister and the Minister of Finance, the Agency shall divest its stakes in the companies established under subsection (1) within seven years of its establishment.

Power to invest

34. The moneys from the Innovation Fund in so far they are not required to be disbursed by the Agency under this Act, shall be invested in such manner as the Agency may determine subject to the approval of the Minister of Finance.

Power to borrow

35. The Agency may, with the approval of the Prime Minister and Minister of Finance, borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Prime Minister and the Minister of Finance may approve, any sums required by the Agency for meeting any of its obligations or discharging any of its duties.

Power to delegate functions and powers

36. (1) The Agency may, in writing, delegate any of its functions and powers other than its power to employ agents, to borrow and to establish companies, to—

- (a) the Chairman;
- (b) a member of the Council;
- (c) a committee; or
- (d) the Chief Executive Officer.

(2) The Chairman, a member of the Council, a committee or the Chief Executive Officer, as the case may be, delegated with such function or power shall be bound to observe and have regard to all conditions and restrictions imposed by the Agency and all requirements, procedures and matters specified by the Agency.

(3) Any function or power delegated under this section shall be performed and exercised in the name and on behalf of the Agency.

(4) A delegation under this section shall not preclude the Agency itself from performing or exercising at any time any of the delegated functions or powers.

Power to endorse innovative products or services

37. (1) The Agency may endorse, by way of certification, any product or service which comply with the criteria as determined by the Agency as an innovative product or service.

(2) The endorsement under this section shall be for a maximum period of two years.

(3) The Agency shall cause to be published a list of all innovative products or services endorsed under subsection (1) in its official website.

(4) The Agency may, at any time before the expiry of the period specified in subsection (2), revoke the endorsement under this section if the innovative product or service no longer meets the criteria for endorsement as determined by the Agency under subsection (1).

(5) The owner of the product or service shall have no right of representation in respect of such revocation.

(6) No endorsement under this section shall, by itself, entitle the owner of the product or service to—

- (a) any expectation of any business benefit; or
- (b) any privileged treatment under any written law.

(7) The Agency shall not be liable in any way for any loss incurred as a result of the revocation of an endorsement under this section, and

no cause of action shall lie against the Agency or the Government in respect of such revocation.

(8) All Ministries, Government institutions or agencies and the Federal Government linked companies shall take into consideration of the innovative product or service in their procurement activities.

PART VII

MISCELLANEOUS

Obligation of secrecy

38. (1) Except for any of the purposes of this Act or for the purpose of any civil or criminal proceedings under any written law, no member of the Council or committee, officer or employee of the Agency, or any person invited to attend any meeting of the Council or committee shall disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.

(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding five years or to both.

Public Authorities Protection Act 1948

39. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Agency or against any member of the Council, any member of the committee or any officer, employee, Innovation Ambassador or agent of the Agency, in respect of any act, neglect, default or omission done by it or him in such capacity.

Public servant

40. Every member of the Council or any committee, or any officer, employee, Innovation Ambassador or agent of the Agency, while discharging his duty under this Act as such member, officer, employee, Innovation Ambassador or agent, shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

Power to make regulations

41. The Prime Minister may, on the recommendation of the Agency, make regulations as may be necessary for the better carrying out of the provisions of this Act.

Offence for providing false or misleading information

42. A person who provides, or cause any person to provide, information to the Agency which he knows or has reason to believe is false or misleading, commits an offence and shall, on conviction, be liable to a fine not exceeding one million ringgit or to an imprisonment for a term not exceeding five years or to both.

Offence for unauthorized modification of the information or documents

43. (1) A person commits an offence if he does any act, or causes any person to do any act, which he knows will cause unauthorized modification of any information, statistic or other data, whether in electronic form or otherwise, in the possession, custody or control of the Agency.

(2) For the purposes of this section—

(a) it is immaterial that the act in question is not directed at—

(i) any particular information, statistic or data;

- (ii) information, statistic or data of any kind; or
 - (iii) any information, statistic or data held in any particular location;
- (b) it is immaterial whether an unauthorized modification is, or is intended to be, permanent or merely temporary;
- (c) a modification of any information, statistic or data takes place if—
- (i) such information, statistic or data is altered or erased;
 - (ii) any new information, statistic or data is introduced or added to such information, statistic or data; or
 - (iii) any event occurs which impairs the ability of the Agency to have access to such information, statistic or data,

and includes any act that contributes towards causing such modification.

(3) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding one million ringgit or to an imprisonment for a term not exceeding five years or to both.

Validity of acts and proceedings

44. No act done or proceeding taken under this Act shall be questioned on the ground of—

- (a) any vacancy in the membership of, or any defect in the constitution of, the Council or a committee; or

- (b) any omission, defect or irregularity not affecting the merits of the case.

Acts done in anticipation of the enactment of this Act

45. All acts done on behalf of the Agency in preparation for or in anticipation of the enactment of this Act and any expenditure incurred in relation thereto, shall be deemed to have been authorized under this Act, provided that the acts done are consistent with the general intention and purposes of this Act; and all rights acquired or obligations incurred as a result of the doing of those acts including any expenditure incurred in relation thereto shall, upon the coming into operation of this Act, be deemed to be the rights and obligations of the Agency.

Vesting of rights, interests, obligations and liabilities upon expiry of Act

46. Upon the expiry of this Act, all rights, interests, obligations and liabilities derived, acquired, incurred or vested under this Act by or in the Agency shall be vested in the Ministry of Finance.

LAWS OF MALAYSIA

Act 718

AGENSI INOVASI MALAYSIA ACT 2010

LIST OF AMENDMENTS

Amending law	Short title	In force from
	-NIL-	

LAWS OF MALAYSIA

Act 718

AGENSI INOVASI MALAYSIA ACT 2010

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
---------	--------------------	---------------

-NIL-
