



12 Julai 2024
12 July 2024
P.U. (A) 192

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN CAP DAGANGAN
(PENGGOMPAUNAN KESALAHAN) (PINDAAN) 2024

*TRADEMARKS (COMPOUNDING OF OFFENCES)
(AMENDMENT) REGULATIONS 2024*

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA CAP DAGANGAN 2019

PERATURAN-PERATURAN CAP DAGANGAN (PENGKOMPAUNAN KESALAHAN)
(PINDAAN) 2024

PADA menjalankan kuasa yang diberikan oleh seksyen 136 Akta Cap Dagangan 2019 [*Akta 815*], Menteri, dengan kelulusan Pendakwa Raya, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Cap Dagangan (Pengkompunan Kesalahan) (Pindaan) 2024**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 15 Julai 2024.

Pindaan peraturan 5

1. Peraturan-Peraturan Cap Dagangan (Pengkompunan Kesalahan) 2020 [*P.U. (A) 252/2020*], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini, dipinda dalam peraturan 5 dengan menggantikan perenggan (*b*) dengan perenggan yang berikut:

“(b) melalui kad kredit, kad debit, kad caj, kad prabayar atau apa-apa bentuk pembayaran secara elektronik yang lain.”.

Pindaan Jadual Kedua

2. Jadual Kedua kepada Peraturan-Peraturan ibu dipinda dengan—

(a) menggantikan Borang PCD 2 dengan borang yang berikut:

“BORANG PCD 2
[Subperaturan 3(1)]
AKTA CAP DAGANGAN 2019
PERATURAN-PERATURAN CAP DAGANGAN (PENGGOMPAUNAN KESALAHAN) 2020

TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Pengawal/Timbangan Pengawal*,

.....
.....
.....

Kepada:

.....
.....
.....

Cawangan: Tempat:

No. Laporan Polis: Tarikh:

No. Laporan Cawangan:

*Tuan/Puan,

Suatu penyiasatan telah dijalankan terhadap anda/

*(nyatakan nama *syarikat/perniagaan/badan lain, jika ada)*

dan anda didapati telah melakukan kesalahan di bawah Akta Cap Dagangan 2019 [Akta 815]/peraturan-peraturan yang dibuat di bawah Akta itu dengan butir-butir yang berikut:

(a) peruntukan **Akta/peraturan-peraturan yang berkaitan:

.....

(b) tarikh:

(c) masa:

(d) tempat:

(e) butir-butir kesalahan:

2. Menurut subseksyen 136(2) Akta Cap Dagangan 2019, dengan keizinan bertulis Pendakwa Raya, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM
(..... ringgit sahaja).

3. Sekiranya tawaran kompaun diterima, bayaran hendaklah dibuat—

(a) secara tunai atau melalui kiriman wang/wang pos/draf bank dipalang dengan perkataan “Akaun Penerima Sahaja” yang kena dibayar kepada Pengawal dan dihantar secara serahan tangan atau dihantar melalui pos berdaftar ke alamat yang berikut:
.....
..... ; atau

(b) melalui kad kredit, kad debit, kad caj, kad prabayar atau apa-apa bentuk pembayaran secara elektronik yang lain.

4. Suatu resit rasmi akan dikeluarkan apabila pembayaran kompaun itu diterima.

5. Tawaran untuk mengkompaun ini sah sehingga

6. Sekiranya tiada bayaran diterima dalam masa yang disebut dalam perenggan 5, pendakwaan bagi kesalahan yang disebut dalam perenggan 1 boleh dimulakan terhadap anda tanpa notis selanjutnya.

.....
Tarikh: *Pengawal/Timbangan Pengawal**

* Potong mana-mana yang tidak berkenaan
**Masukkan nama perundangan yang berkaitan”; dan

(b) dengan menggantikan Borang PCD 3 dengan borang yang berikut:

“BORANG PCD 3
[Peraturan 4]
AKTA CAP DAGANGAN 2019
PERATURAN-PERATURAN CAP DAGANGAN (PENGGOMPAUNAN KESALAHAN) 2020

PENYETUJUTERIMAAN TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Kepada:

Pengawal/Timbangan Pengawal*,

.....
.....
.....

*Tuan/Puan,

Saya merujuk kepada Borang PCD 2 bertarikh

Cawangan: Tempat:

No. Laporan Polis: Tarikh:

No. Laporan Cawangan:

2. Saya mengaku bahawa saya telah melakukan kesalahan ini dan menerima tawaran untuk mengkompaun itu dan disertakan bersama ini pembayaran *secara tunai atau melalui kiriman wang/wang pos/draf bank No.* atau melalui kad kredit/kad debit/kad caj/kad prabayar atau apa-apa bentuk pembayaran secara elektronik yang lain sebanyak RM (..... ringgit sahaja) sebagai penyelesaian penuh bagi jumlah wang yang dinyatakan dalam perenggan 2 Borang PCD 2.

Tandatangan :

Nama (*huruf besar*) :

*No. Kad Pengenalan/No. Pasport :
Untuk dan bagi pihak :
(jika berkenaan) (nama* syarikat/perniagaan/badan lain)

Cop rasmi *syarikat/perniagaan/ :
badan lain (jika berkenaan)

Alamat :
.....
.....

Tarikh :

** Potong mana-mana yang tidak berkenaan”.*

Dibuat 5 Julai 2024
[KPDNKK.100-1/4/17; PN(PU2)316/VI]

DATUK ARMIZAN BIN MOHD ALI
Menteri Perdagangan Dalam Negeri dan Kos Sara Hidup

Diluluskan 10 Julai 2024
[KPDNKK.100-1/4/17; PN(PU2)316/VI]

DATUK AHMAD TERRIRUDIN BIN MOHD SALLEH
Pendakwa Raya Malaysia

TRADEMARK ACT 2019

TRADEMARKS (COMPOUNDING OF OFFENCES) (AMENDMENT) REGULATIONS 2024

IN exercise of the powers conferred by section 136 of the Trademarks Act 2019 [Act 815], the Minister, with the approval of the Public Prosecutor, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Trademarks (Compounding of Offences) (Amendment) Regulations 2024**.

(2) These Regulations come into operation on 15 July 2024.

Amendment of regulation 5

2. The Trademarks (Compounding of Offences) Regulations 2020 [P.U. (A) 252/2020], which are referred to as the “principal Regulations” in these Regulations, are amended in regulation 5 by substituting for paragraph (b) the following paragraph:

“(b) through credit card, debit card, charge card, prepaid card or any other forms of electronic payment.”.

Amendment of Second Schedule

3. The Second Schedule of the principal Regulations is amended—

(a) by substituting for Form PCD 2 the following form:

“FORM PCD 2
[Subregulation 3(1)]
TRADEMARKS ACT 2019
TRADEMARKS (COMPOUNDING OF OFFENCES) REGULATIONS 2020

OFFER TO COMPOUND OFFENCES

Controller/Deputy Controller*,

.....
.....
.....

To:

.....
.....
.....

Branch:

Place:

Police Report No.:

Date:

Branch Report No.:

*Sir/Madam,

An investigation has been conducted against you/.....

*(state name of *company/business/other body, if any)*

and you are found to have committed the offence under the Trademarks Act 2019 [Act 815]/regulations made under the Act with the following particulars:

(a) relevant provision of the **Act/regulations:

(b) date:

(c) time:

(d) place:

(e) particulars of offence:

2. Pursuant to subsection 136(2) of the Trademarks Act 2019, with the written consent of the Public Prosecutor, you are offered a compound for the offence stated above for the sum of RM..... (..... ringgit only).

3. If the offer to compound is accepted, payment shall be made—

(a) in cash or by money order/postal order/bank draft crossed with the words “Account Payee Only” made payable to the Controller and shall be delivered personally or sent by registered post to the following address:; or

(b) through credit card, debit card, charge card, prepaid card or any other forms of electronic payment.

4. An official receipt shall be issued on receipt of payment of the compound.

5. This offer to compound shall be valid until

6. If no payment is received within the period referred to in paragraph 5, the prosecution for the offence referred to in paragraph 1 may be instituted against you without further notice.

.....
Date: Controller/Deputy Controller*

*Delete whichever is inapplicable
**Insert citation of relevant legislation”; and

(b) by substituting for Form PCD 3 the following form:

"FORM PCD 3
 [Regulation 4]
 TRADEMARKS ACT 2019
 TRADEMARKS (COMPOUNDING OF OFFENCES) REGULATIONS 2020

ACCEPTANCE OF OFFER TO COMPOUND OFFENCES

To:

Controller/Deputy Controller*,

.....

*Sir/Madam,

I refer to Form 2 PCD dated

Branch: Place:

Police Report No: Date:

Branch Report No:

2. I admit that I have committed this offence and I accept the offer to compound and enclosed herewith is the payment *in cash or by money order/postal order/bank draft No.* or through credit card/debit card/charge card/prepaid card or any other forms of electronic payment for the sum of RM (..... ringgit only) as full settlement of the sum stipulated in paragraph 2 of Form PCD 2.

Signature :

Name (*in capital letter*) :

*Identity Card No./ :

Passport No.

For and on behalf *(if applicable)* :
*(name of *company/business/other body)*

Official stamp of *company/
business/other body *(if applicable)* :

Address :
.....
.....

Date :

**Delete whichever is inapplicable”.*

Made 5 July 2024
[KPDNKK.100-1/4/17; PN(PU2)316/VI]

DATUK ARMIZAN BIN MOHD ALI
Minister of Domestic Trade and Cost of Living

Approved 10 July 2024
[KPDNKK.100-1/4/17; PN(PU2)316/VI]

DATUK AHMAD TERRIRUDIN BIN MOHD SALLEH
Public Prosecutor of Malaysia