



Leela Devi Baskaran
Partner

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Leela practices in the areas of registration of trademarks and general advisory work relating to the various forms of IP rights including trademarks, copyright, industrial design rights and patents. She also has experience in all areas of intellectual property transactional work including advising on and drafting of licensing agreements, research and development agreements, commercialization agreements, collaboration agreements, assignment and transfer of intellectual property, distribution agreements, contract manufacturing, technology transfer, etc.

Leela handles all aspects of franchising including advising on structuring the business to suit requirements under the law in Malaysia, reviewing of transaction agreements and disclosure documents, registration of franchise and liaising with the Franchise Development and Direct Selling Division under the Ministry of Domestic Trade and Cost of Living (to move under Ministry of Entrepreneur and Cooperatives Development). Her experience also includes advising on labelling, consumer protection, data protection, privacy, and competition issues.

Key Practice Areas

IP Registration and Prosecution
Branding, Franchising and Licensing
Technology, Media and Telecommunications

Selected Experience

IP Registration and Prosecution

- ❖ Successfully advised clients on strategy for protection of their intellectual property within Malaysia and in different jurisdictions around the world.
- ❖ Handled all aspects and stages of registration of intellectual property including advising on filing requirements, attending to filing at the Intellectual Property Corporation of Malaysia (MyIPO), advising on and responding to queries and objections from MyIPO, handling trademark oppositions and obtaining registration.
- ❖ Co-ordinated trademark filing in different countries on behalf of Malaysian companies and individuals.

- ❖ Co-ordinated trademark enforcement actions for local clients dealing in consumer products in different jurisdictions including China and the Middle East.
- ❖ Conducted IP due diligence as part of transactions or for purposes of developing internal IP policies and strategy.

Branding, Franchising and Licensing

- ❖ Our Leela Baskaran is a registered franchise consultant and has a good working relationship with the Franchise Development and Direct Selling Division under the Ministry of Domestic Trade and Cost of Living.
- ❖ Reviewed relevant documentation including franchise agreement, disclosure documents and manuals, and attended to obtaining regulatory approvals and registrations from the Franchise Development and Direct Selling Division of the Ministry of Domestic Trade and Cost of Living for several well-known international franchises in the fashion industry retail trade industry, food and beverage industry etc.,
- ❖ Leela represents several American quick service restaurants operating through licensing and/or franchising models in Malaysia. We advise and guide them through regulatory aspects of operating in Malaysia to structure their business model in Malaysia. We review their transactional documents for compliance with Malaysian laws and regulations. We assist with preparation of disclosure documents and registration of the franchise with the Ministry of Domestic Trade and Cost of Living as well as ongoing maintenance of the registration such as registration of business package, registration of franchisee which needs to be done under franchisor user account, filing of annual reports for franchise business and filing of approval of material changes to the disclosure document.
- ❖ She also represented MIXUE the well-known Chinese Ice Cream and Tea franchise and have assisted and advised them on regulatory matters relating to their entry into the Malaysian market including franchise regulatory matters, review of transaction documents, advise on import-export and customs requirements, foreign ownership and distribution guidelines and various related matters.
- ❖ Leela has represented Nando's, the South African grilled chicken franchise for several years. Nando's entered the Malaysian market many decades ago and we have advised and assisted

them through the various changes in the Malaysian franchise laws and regulations. As indicated by the client she is and continues to be their go to person for all matters in relation to their Malaysian franchise.

- ❖ Leela works with an American Hotel company, Wyndham Hotels and Resorts, Inc., which has several hotel brands operating in Malaysia. We have advised and assisted them on all regulatory matters relating to the operation of their franchise in Malaysia including review of transaction documents, review of disclosure documents, registration of their franchise, filing of annual report for franchise business and related matters.
- ❖ We represented Chatime, the largest teahouse franchise in the world on a litigation matter involving their franchisee in Malaysia. We have also subsequently advised them on regulatory matters relating to operation of their franchise business in Malaysia.
- ❖ Leela advised a US real estate business on franchising their brand for a real estate business in Malaysia. This involved advice on the structure of their arrangement in Malaysia to comply with the various regulations in Malaysia governing the use of foreign trademarks, licensing, franchising and foreign participation in the real estate business and review of the relevant documentation and agreements for compliance with Malaysian law.
- ❖ She has also advised a number of educational institutions and gymnasiums on establishment of franchise business in Malaysia and obtaining registration from the Franchise Development Division of the Ministry of Domestic Trade and Consumerism.
- ❖ Leela was involved in advising a local celebrity cartoonist in reviewing, drafting, advising, and conducting negotiations in relation to license agreement and other related issues for the use of his cartoon characters and artistic works for merchandising and as the theme for a food and beverage outlet.
- ❖ She advised a Dutch company in reviewing, drafting, advising and conducting negotiations in relation to a patent license agreement and related issues for granting a patent license as part of a joint venture with a public listed Malaysian company to exploit the patent and develop a new product for the international market.

- ❖ Advising a local banking institution in drafting and advising on a collaboration agreement and related issues in relation to collaboration with an educational institution to develop and conduct an educational program accredited by a foreign authority on sales management and other related matters for staff members of the bank as well as members of the public.
- ❖ Advising a Malaysian public listed lottery operator in drafting, advising and conducting negotiations in relation to a system's supply and service agreement and other related agreements with a European company for the design, supply and maintenance of a system including hardware and software for nationwide operation in Malaysia.
- ❖ Assisting an international life insurance company in relation to reviewing, drafting, advising and conducting negotiations in relation to software supply and maintenance agreement with an IT service provider based in Hong Kong.

Technology, Media and Telecommunications

- ❖ Advising a leading international multimedia company on the various legal issues such as labelling, consumer protection, digital signatures, certification and registration requirements, etc., relating to the launch, import and distribution of their new multimedia equipment in Malaysia.
- ❖ Advising a government linked institution being one of the key drivers of technology development in Malaysia on all aspect of their licensing, commercialization and funding activities including reviewing all relevant documentation and advising on the requirements under the law.
- ❖ Drafting and reviewing software developments agreements, software license agreements, services agreements and related agreements.

Qualifications & Professional Affiliations

Qualifications:

Patent Agent
 Trade Mark Agent
 Franchise Consultant
 Advocate and Solicitor, High Court of Malaya (1997)
 Certificate in Legal Practice (1996)
 LL.B (Hons), University of London (1995)

Professional Affiliations:

Former President, Licensing Executives Society of Malaysia

Member, Malaysian Intellectual Property Association

Member, Intellectual Property Committee of Malaysian Bar

Member of the Malaysian Franchise Association

Member of the International Franchising Committee of the International Bar Association.

Publications & Talks**Authored the following articles:**

- Contributor, Malaysian chapter - International Franchising, Center for International Legal Studies (published 2012 and updated in 2013 and 2015).