



FOONG CHENG LEONG & CO  
ADVOCATES & SOLICITORS

## Firm Profile

FOONG CHENG LEONG & CO  
REGISTERED TRADE MARK, PATENT & INDUSTRIAL DESIGN AGENT  
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## The Firm

Foong Cheng Leong & Co is a boutique law firm based in Kuala Lumpur.

### Mission

We pro-actively educate and update our clients with the latest development in law. We pride ourselves in providing both individuals and businesses with ethical and dedicated legal representation.

### Description

Our people form a dynamic team of industry experts and are regularly engaged by telecommunications, human resources, insurance, financial institutions and I.T industries for legal services.

### Our Services

We offer comprehensive services in the areas of intellectual property, information technology, franchising and employment law. For more details of our services, please refer to our services page below.

## Foong Cheng Leong

Cheng Leong is a lawyer focusing in the areas of Intellectual Property, Information Technology, Cyberlaws, Franchise, Privacy and Data Protection laws.

He graduated from the University of Sheffield with Honours in 2003 and was called to the Malaysia Bar as an Advocate & Solicitor in 2005. He joined Messrs Lee Hishammuddin Allen & Gledhill, one of Malaysia's most reputable law firms in 2004 as a Chambering Student and was retained in the Intellectual Property and Information Technology Department.

He was promoted to Senior Associate in 2009 and left the firm in 2012 to establish this firm. He brings with him vast experience in the field of Intellectual Property and Information Technology.

Throughout his service with his previous firm, he regularly attends conferences such as the International Trade Mark Association (INTA) and Asian Pacific Patent Attorney conferences on behalf of the firm.

Cheng Leong is also committed to serve the Malaysian Bar and Kuala Lumpur Bar. He had served the Malaysian Bar and Kuala Lumpur Bar in the following capacities:-

1. (2010 - present) - Committee Member of the Bar Council Intellectual Property Committee
2. (2009 - 2011) - Deputy Chairman of the Kuala Lumpur Bar Information Technology
3. (2012 - present) - Chairman of the Kuala Lumpur Bar Information Technology and Publication Committee
4. (2013 - present) - Co-Chairperson of the Bar Council Ad-Hoc Committee on Personal Data Protection
5. (2013 - present) - Kuala Lumpur Bar Committee Member

He is also the author of the book "Compendium of Malaysian Intellectual Property Cases - Trade Marks", published by LexisNexis.

## our expertise

# Intellectual Property and Information Technology

Cheng Leong is a registered trade marks, patents and industrial designs agent.

He advises his clients on the protection of their intellectual property rights and information technology. He had been involved in the management of intellectual properties of many well known international and local companies and prosecuted and/or procured the registration of trade marks, industrial designs and patents in Malaysia and many other jurisdictions around the world. He also advises and drafts contracts relating to intellectual property and information technology.

Cheng Leong was involved in numerous contentious matters involving counterfeiting, passing off, trade marks, industrial designs, patents and copyright infringement, online disputes including online defamation, breach of confidentiality and others.



## Foong Cheng Leong

Some of these cases were reported in the local legal journals such as the following:

1. **LB Confectionary Sdn Bhd v. QAF Ltd; Perbadanan Harta Intelek Malaysia (Interested Party) & Another Case** [2008] 10 CLJ 264
2. **Ultra Dimension Sdn Bhd v. American Home Assurance Company; Rewardstreet.com (Malaysia) Sdn Bhd (Third Party)** [2009] 9 CLJ 589
3. **Lockheed Martin Corporation v. Raytheon Company** [2010] 4 CLJ 95
4. **Berjaya Land Berhad v. Wong Chee Hie & Ors** [2010] 1 LNS 983
5. **Berjaya Land Berhad v. Wong Chee Hie & Ors** [2011] 1 LNS 1583
6. **Yong Sze Fun & Anor v. Syarikat Zamani Hj Tamin Sdn Bhd & Anor** [2011] 1 LNS 1307
7. **NEP Holdings (Malaysia) Berhad v CK Filtration Technology Sdn Bhd** [2013] 1 LNS 516

He is also the author of the book, Compendium of Malaysian Intellectual Property Cases - Trade Marks, Vol 1 published by LexisNexis Malaysia.

## our expertise

# Internet, Social Media and Cyber Laws

Being a blogger himself, he is familiar with the laws and issues concerning bloggers and social media.

Cheng Leong authored and/or was featured in the following articles:

1. **"Minimising the risks in blogging"** (2009) - The Star Newspaper
2. **"If your copyright is not protected, your future is not protected"** (2009) - Sin Chew Daily
3. **"Tweet at your own risk"** (2010) - The Star Newspaper
4. **"Tweet below the law"** (2010) - The Star Newspaper
5. **"Quick, throw your CDs away! There's a roadblock"** (2010) - www.LoyarBurok.com
6. **"Internet Service Provider Liability Act: Do we need one?"** (2010) - www.LoyarBurok.com
7. **"Blog postings can backfire"** (2011) - The Star Newspaper
8. **"Computing Professional Bill"** (2011) - Ambiguity, Arbitrariness and Uncertainty" (2011) - www.LoyarBurok.com
9. **"What lies ahead for social media"** (2012) - The Star Newspaper
10. **"Grave Repercussions for Internet Users"** (2012) - www.LoyarBurok.com
2. **"Blogging and Intellectual Property Laws"**, at the eLawyer Law Conference in 2009 held at University Malaysia
3. **"The Laws against Crimes Committed in Cyberspace"** an event organized by the Asian Business Forum in 2009
4. **"The Laws against Crimes Committed in Cyberspace"** to a major telecommunication and internet service provider in 2009
5. **"Blogging and Malaysian Laws" at "Writing Blogs"**, an event organized by The New Straits Times in 2009
6. **"Blogging and Copyright Laws" at "eLawyer - Exabytes Penang Bloggers & Law Forum 2009"** held at Universiti Sains Malaysia, Penang
7. Co-panelist for one of the sessions of **"Asian Bloggers and Social Media Conference"** held at Times Square in 2010
8. Guest speaker at **"Getting Social"** at Pecha Kucha, an event organized by the British Council in 2011
9. **"Trade Mark & Copyright Conference - Using Social Media to Promote your Brand: The Issues"**, an event organized by CrimsonLogic in 2011
10. **"Freedom of Speech in the New Media"**, an event organized by the KL Bar Information Technology Committee held at the Bar Council Auditorium in 2011. Notable co-speakers were Jahabar Sadiq, CEO of The Malaysian Insider and Fahmi Fadzil, political secretary of PKR vice-president Nurul Izzah

He has delivered the following presentations:

1. **"Blogging and Defamation"**, an event organized by the KL Bar Information Technology Committee held at the Bar Council Auditorium in 2008. Notable co-speakers were Member of Parliament Jeff Ooi and lawyer Nizam Bashir

## our expertise

# Privacy and Data Protection

With the passing of the Personal Data Protection Act 2010 (PDPA), Cheng Leong was involved in numerous training and compliance exercise for his clients to comply with the new data protection law.

He had assisted the compliance of the PDPA for various companies including major insurance and telecommunication companies, and a national utilities provider. He had also advised many large and multinational companies on numerous issues regarding the PDPA.

He had contributed to the Malaysian chapter of the book "Data Protection Laws of the World" published by Sweet & Maxwell, which consists of legal texts of various data protection laws of the world. Further, he had authored and/or was featured in the following articles:

1. **"Personal Data & the Law"** (2010) - The Star Newspaper
2. **"Keeping it Private"**(2010) - The Star Newspaper
3. **"Right to Privacy in Malaysia: Do we have it?"** (2011) - [www.LoyarBurok.com](http://www.LoyarBurok.com) and [www.theMalaysianInsider.com](http://www.theMalaysianInsider.com)
4. **"What happened to Teoh Beng Hock's Right to Privacy?"** (2011) - [www.LoyarBurok.com](http://www.LoyarBurok.com)
5. **"Personal Data Protection Act 2010"** - The Law Review 2011
6. **"My Neighbour is Spying on Me!"** - [www.LoyarBurok.com](http://www.LoyarBurok.com)

He has delivered the following presentations:

1. **"Data Protection in Malaysia"**, to the members of The Real Estate and Housing Developers' Association of Malaysia (REHDA) in 2010;
2. **"Data Protection in Malaysia"**, an event organized by the Bar Council Intellectual Property Committee at the Bar Council in 2010;
3. **"Data Protection in Malaysia"** to members of the Malaysian Institute of Accountants (MIA) in 2010;
4. **"Data Protection in Malaysia"** to members of the Malaysian Institute of Corporate Governance (MICG) in 2010;
5. **"Data Protection and Privacy Laws in Malaysia"**, an event organized by CSI World Headquarters Malaysia in 2011;
6. **"Data Protection Act: The Malaysian View"**, an event organized by CrimsonLogic in 2011;
7. **"Data Protection in Malaysia"** to members of the Malaysian Institute Corporate Governance (MICG) at the Going Public Conference 2011;
8. **"Bangsar South City Knowledge Clinics - Online Security & Data Protection in 2011"** an event organized by Bangsar South City;
9. **"Data Protection in Malaysia"** to the members of the The Malaysian Institute of Chartered Secretaries and Administrators (MAICSA) at the MAICSA Annual Conference 2011

Cheng Leong made his second appearance on NTV7's The Breakfast Show to speak about "Privacy and Personal Data in Malaysia" in 2011 and also his second appearance on BFM Radio to speak about "Msia I Can Series: The Right to Your Privacy" in 2012.

## our expertise

### Technology

Cheng Leong is passionate on championing the use of technology for legal practice.

He published an article entitled, "All Lawyers Should Have an iPad!" regarding the use of tablets for legal practice.

He also spoke about The Use of Technology Amongst Lawyers at the Bar Council. In this presentation, Cheng Leong introduced the use of cloud computing, mobile working, tools for marketing and tablets.

Subsequent to the presentation, he created a website with search engines to search for unreported Malaysian cases and Industrial Court cases. These search engines are called the FCL&Co Unreported Malaysian Cases Search and FCL&Co Industrial Court Cases Search. The search engines can be accessed at his blog at [www.FoongChengLeong.com](http://www.FoongChengLeong.com).

Cheng Leong reviewed LexisNexis' mobile application, Lexis® for Lawyers in Asia 2. For his service, he was invited by LexisNexis to attend their Customer Engagement Workshop in Fukuoka in 2012.

He also founded the Malaysian Intellectual Property Practitioner eGroup, an eGroup which consists of many intellectual property practitioners and also government officials. He regularly shares the latest legal updates concerning intellectual property laws.

### Franchising

Cheng Leong had procured the registrations of franchise in Malaysia for many of his clients notably food and beverage franchises and clothing and fashion franchises.

He advises his clients on the requirements of the Malaysian Franchise Act 1998 also drafts and reviews licensing and franchise agreements.

**Contact details:**

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Twitter: [www.twitter.com/FCLCo](http://www.twitter.com/FCLCo)

## our services

We offer comprehensive legal services in the following areas:-

### 1. Intellectual Property and Information Technology

#### (a) Protection of intellectual property

- Perform searches for prior intellectual property rights
- Register patents, trade marks and industrial design in all jurisdictions in Malaysia and the world
- Advise clients on the best methods of protecting their intellectual property

#### (b) Contentious intellectual property and information technology matters

- Represent clients for the following cases:
  - trade mark infringement and passing off
  - copyright infringement cases including software infringement
  - patent infringement or invalidation
  - industrial designs infringement or invalidation
  - declaration of non infringement of intellectual property rights
  - breach of confidentiality or breach of fiduciary cases
- Represent clients against action by right management associations such as Business Software Alliance
- Act as Supervising Solicitor on a search order
- Obtain and execute Trade Description Orders
- Obtain and execute Anton Piller Orders

#### (c) Internet, Cyber law and Social Media laws

- Advise and handle domain disputes
- Handle online defamation or harassment
- Prepare terms and conditions of use for electronic platforms such as e-stores
- Acquire pre-trial discovery order to obtain identity of online wrongdoers

#### (d) Media, advertising and entertainment

#### (e) Computer contracts

- Draft, negotiate and/or review development, maintenance and/or licensing agreements
- Prepare terms and conditions of use
- Prepare Escrow agreements and providing escrow services

#### (f) Gaming and Promotions

- Advise on legality of games and promotions

### 2. Data Protection & Privacy

- Conduct privacy impact assessments, audits and compliance exercises to ensure compliance of the Malaysia Personal Data Protection Act 2010
- Draft privacy notices, data processing agreements, data protection policies and manuals
- Advise clients on best privacy practices
- Represent clients for invasion of privacy right cases

## our services

We offer comprehensive legal services in the following areas:-

### 3. Franchising

- Advise clients on the requirements of the Malaysian Franchise Act 1998
- Handle registration of franchise in Malaysia
- Draft and/or review franchise agreements

### 4. Industrial Relations & Employment Laws

#### (a) Employment Contracts

- Draft, negotiate and/or review employment contracts for all levels of employment in an organization
- Advise clients on legality of certain clause(s) in employment contracts

#### (b) Disciplinary Process/Internal Grievances Procedure

- Advise clients on disciplinary process that ought to be observed under the labour law in Malaysia
- Draft and/or review show cause letter, letter of suspension, notice of domestic inquiry and letter of dismissal

#### (c) Reorganisation of Business, Redundancy and Retrenchment

- Advise clients on reorganisation of business and observance of the relevant labour law in doing so
- Advise clients on situation of redundancy and possible retrenchment of employees arising out of the reorganisation of business
- Draft and/or review relevant and necessary documentation

#### (d) Transfer and/or Secondment

#### (e) Mutual Cessation of Employment

#### (f) Setting-up Businesses in Malaysia

#### (g) Human Resources Policies

#### (h) Social Media Policies

#### (i) Contentious Matters involving Labour, Employment and Industrial Relations laws

- Legal representation in Labour Court, Industrial Court, High Court and Court of Appeal

### 5. Speaking arrangement, workshops, seminars and trainings

- Our people regularly speak at conferences, events and seminars. We also offer tailor made workshops and trainings for our clients for topics relating to our expertise. Our presentations offer significant industry insights, expertise and up to date information.