

Common Due Diligence Searches in Malaysia

When undertaking corporate transactions, it is prudent to conduct searches as part of the due diligence exercise for the corporate transactions.

The common searches available from the relevant government agencies and credit reporting agencies in Malaysia include the following:

1. Companies Commission of Malaysia (“**CCM**”)

There are various searches which may be conducted with the CCM as follows:

- (a) company search provides corporate information, particulars of directors and shareholders, issued share capital, company charges and summary of financial information;
- (b) copies of certificates of incorporation and registration, memorandum and articles of association, and constitution may be obtained from the CCM;
- (c) searches may be conducted on the CCM website on whether there is any outstanding compound issued by the CCM against a company, registered business or individual; status of striking off of a company and whether a company is existing;
- (d) Attestation of Company Good Standing may be obtained from the CCM if the target company fulfils the relevant conditions; and
- (e) searches may also be conducted to obtain information on shareholding, directorship, business ownership and partnership information of individuals.

2. Malaysian Department of Insolvency

Winding up and bankruptcy searches provide information on the insolvency status of the companies and individuals.

3. Land Office

Land search provides information on dimensions, area, category of use, express conditions, ownership, restrictions in interest, and encumbrances of the land and whether the land is freehold or leasehold.

4. Intellectual Property Corporation of Malaysia (“**MyIPO**”)

Searches on MyIPO website provide information on trademark, patent, industrial design and geographical indication which applicants have applied for registration in Malaysia with MyIPO. Some of the information available from the searches on MyIPO website includes:

- (a) the name of applicant, application date, legal status, registered date, certification issuance date, expiry date, class and specification of goods and services of the relevant trademark; and
- (b) application number, filing date, status, inventor, patent owner and details of the patent.

5. CTOS (credit reporting agency)

Searches with CTOS are usually conducted to provide corporate information and litigation status of the target companies and individuals.

6. Experian (data analytics and consumer credit reporting company)

Searches provide information on corporate information of a company and its interest in other companies such as its subsidiaries.

There is no official public search available to conduct litigation search in Malaysia unless the case number is known. The public may be able to conduct online search for pleadings and cause papers using specific case number.

This article is authored by our Partner, Ms Wong Mei Ying. The information in this article is intended only to provide general information and does not constitute any legal opinion or professional advice. For further information on the above or if you have any questions on legal due diligence, please contact Ms Wong Mei Ying.