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1. Introduction

Myanmar is a member of the World Intellectual Property Organization (WIPO), a member of the World Trade Organization (WTO) and a signatory to the Trade Related Aspects of Intellectual Property Rights (TRIP) Agreement. At present Myanmar lacks specialized IP laws. A draft law on IP has been sent to the Attorney General's office, following which it will be sent to parliament for approval. The country's trademark law is now being drafted and reviewed, but is still in the process of publishing and has not yet been signed into law by the president. Despite the above, IP rights are protectable in Myanmar under the following existing laws:

- Myanmar Penal Code (1860)
- Registration Act (1908)
- Merchandise Marks Act (1889)
- Sea Customs Act (1878)
- Specific Relief Act (1877)
- Patents and Design (Emergency Provisions) Act (1946)
- Science and Technology Development Law (1994)
- Electronic Transactions Law (2004)
- Myanmar Copyright Act (1914)

2. Registering Trademark in Myanmar

Myanmar is currently in the process of implementing a new trademark law which should be in place by 2016. For the time being, trademarks can be registered under Section 18 (f) of the Registration Act of 1908 in combination with Directive 13 and may be protected by recording a Declaration of Ownership with the Myanmar Registry Office of Deeds and Assurances.

Under the new trademark law any trademarks registered under the old regime will automatically continue to receive protection during a three

year transition period from the date the new Trademark law comes into force. Then trademark holders accorded protection for ten years under the new trademark law after which the mark must be renewed.

Trademarks are registered with the Office for Registration of Deeds and Assurances. Applicants must present 1) an application, 2) A "Declaration of Ownership" (DoO) document and 3) the official filling fee. The registration is generally granted within 4 to 6 weeks if the Register finds the DoO conforms to the Registration Act.

In filling an application for registration of the Declaration of Ownership of trademark, the requisite documents are as follows:

1. A high-quality sample of the trademark.(with the size not longer than 80mmx80mm and not smaller than 15mmx15mm)
2. A Power of Attorney (PoA) document that has been 1) notarized in the home country of the applicant and 2) legalized in the home country of the applicant by being stamped by the Myanmar Embassy in the applicant's country.
3. A Declaration of Ownership (DoO) document that has been 1) notarized in the home country of the applicant and 2) legalized in the home country of the applicant by being stamped by the Myanmar Embassy in the applicant's country. The PoA must be signed by the same representative/officer of the company who signed the DoO.
4. List of goods and/or services according to the international Nice Classification class numbers for the goods/services.
5. Full name, address and nationality of the applicant,
6. Description of the trademark meaning, colors claimed, translation or transliteration of the characters in English if the trademark includes in other language.
7. It usually 04-06 weeks from the filling date to obtain a trademark certificate from the office of Deeds and Assurances.

2.1. Cautionary Notice in Myanmar

After receiving the Trademark certificate from the Registrar, the owner will publish a "Customary Notice" in a Myanmar newspaper notifying the public of the client's ownership of the trademark.



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This is a practical requirement should the owner of the Intellectual property want to defend it against infringement. An effective Cautionary Notice in Myanmar may discourage infringement and can be relied upon as evidence of exclusive rights over a mark. A "Customary Notice" for an international trademark should generally be published in an English language daily newspaper such as "The New Light of Myanmar" or "The Myanmar Times".

2.2. Official trademark Search

An official trademark search cannot be conducted in the Myanmar Registry Office. Although there is no official of trademark/service mark search, we can assist the client to filling Declaration of Ownership of Trademark with the Registration of Deeds Office, Yangon. Before registering a new mark, it is possible to conduct trademark / service mark search. This private search gives valuable help to the trademark owners up to an extent through a private search of newspaper publication since 1989.

2.3. Renewal of Trademark Registration

It is not compulsory to renew trademark in Myanmar Registry Office by any law, once registered, it is valid indefinitely by existing Myanmar laws. However, renewal of registered trademark is also recommended especially if there are any changes of name, ownership, address, goods etc.

In Myanmar-at present, most IP owners usually renew registration of their Trade Mark/Service Mark once every three or four years to update the record of their registered mark at the Registry Office and make republication of the cautionary notice in local newspaper for public awareness of the re-registered mark. The owner of the mark should keep the renewed trademarks for evidence to show that the continued use of prior ownership rights.

2.4. Amendment of Trademark Registration

Amendment of registration can be filed for name change and address change of the applicant, mentioning the previous registration number and date.

In filing an application for registration of the "Declaration of Amendment of Trademark Ownership" the requisite documents are as follows:

- Power of Attorney (POA) document that has been notarized and legalized in the home country of the applicant by being stamped by the Myanmar Embassy in the applicant's country

- Declaration of Amendment of Trademark Ownership executed by the applicant.
- A copy of previous registration

3. Industrial Design Registration in Myanmar

There is no practical position of protecting patent in Myanmar. However we can assist the client to be filed patent and designs registration in Myanmar although there has been the Science and Technology Development Law since 1994. The Ministry of Science and Technology was newly established in Myanmar as the focal point ministry, but till now, there has not yet been Myanmar Patent & Design Office.

At the currently, the new Patents & design Laws of Myanmar is still drafting on the intellectual property right system in order to promote technical innovation and foreigner investment as well as industrial development in the country. However, Burma Patents and Designs Act 1945 was repealed in 1993.

Myanmar is a member of WTO, ASEAN and at the latest, WIPO in 2001. Design can be registered under section 18(f) of the Registration Act with the Registry of Deeds and Assurances by means of declaration, which is a solemn statement of facts made by the design owner.

Publication of cautionary notice in a local newspaper based on registration is the sole process to remind the public for any possible passing-off and infringement of the right of design ownership during the period of lack of promulgated law.

Under the current design registration system in Myanmar, the required of documents are as follows:

1. Applicant : full name, address and nationality,
2. Inventor : full name , address and nationality:
3. Priority date : filling number, date and country (if applicable):
4. Title of the claimed design;
5. Class of the claimed design according to the Locarno international Classification (if available).
6. Photos/drawings illustrating the design in different view (front, rear, left, right, top, bottom and perspective) and other supporting view such as cross-sectional or partly enlarged views (if available);
7. English description of the claimed design;
8. Declaration of Ownership (to be signed by the authorized representative of the Applicant)
9. Power of Attorney (POA), that that has been 1) notarized in the home country of the applicant and 2) legalized in the home

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country of the applicant by being stamped by the Myanmar Embassy in the applicant's country.

At present, the practice for renewal of registration of design is usually once in every three-year (or) re-publication in the local daily newspapers; or both.

4. Patent registration in Myanmar

There is no formal patent registration in Myanmar. However, we can assist the client to file patent and designs registration with the general registry office. The Ministry of Science and Technology was newly established in Myanmar as the focal point ministry, but till now, there has not yet been Myanmar Patent & Design Office.

Myanmar is a member of WTO, ASEAN and at the latest, WIPO in 2001. Patents can be registered under section 18(f) of the Registration Act with the Registry of Deeds and Assurances by means of declaration, which is a solemn statement of facts made by the patent owner. Currently, the new Patent Law of Myanmar is still under draft.

There is no official patent search system in Myanmar since Myanmar has no specific promulgated patent law. The patent owner may publish a Cautionary Notice in a local designated newspaper based on registration to notice the public for any possible passing-off and infringement of the right of patent ownership.

In filling an application for patent registration in Myanmar, the required documents are as follows:

1. Applicant : full name, address and nationality,
2. Inventor : full name , address and nationality;
3. Priority date : filling number, date and country (if applicable);
4. International filling data: filing and publishing number (as to PCT patent applications).
5. Patent specification, claims and abstract (including drawings, if any) in English;
6. Declaration of Ownership (to be signed by the authorized representative of the Applicant)
7. Power of Attorney (POA), that that has been 1) notarized in the home country of the applicant and 2) legalized in the home country of the applicant by being stamped by the Myanmar Embassy in the applicant's country.

At present, the practice for renewal of registration of patents is usually once in every three-year (or) re-publication in the local daily newspapers or both.

5. Copyright in Myanmar

The existing Myanmar Copyright Act was

promulgated in 1914. Myanmar protects original literary, artistic, musical and dramatic works by the 1914 Copyright Act (India Act III of 1914). The Copyright Act is still the controlling law relating to copyright protection in Myanmar. Currently, the new copyright law of Myanmar is still being drafted. There is not available recourse for international copyright and such is not yet enforced in Myanmar.

But Myanmar citizen has exclusive right with their artistic creation under this law. With our broader legal knowledge we are proficient to consult on protection of citizen copyright privileges in mean time Chapter III of Myanmar Copyright Act, 1914 prescribes penalties for the certain offences in the manner.

With the realization of inefficiency of this existing law, legislature is drafting the new Copyright law to in line with contemporary issues and events.