



## Guide to Secure Your Creations

# **A Comprehensive Guide to Myanmar's Evolving IP Framework Updates and Simplified Registration**

March 2025

Myanmar enacted its much-anticipated intellectual property laws in 2019 to establish a comprehensive regime. The four laws—the Trademark, Industrial Design, Copyright, and Patent Law—are now in effect. The Intellectual Property Department (**IPD**) is the primary authority under the Ministry of Commerce (**MOC**) in Myanmar for registering and protecting IP rights in Myanmar. It was established on December 23, 2020.

An overview of each is provided below.

## I. Trademark

The Trademark Law (TL) was enacted on January 30, 2019. It establishes an inclusive registration system for both domestic and foreign trademark proprietors. The effective date of the TL, as clarified by SAC Notification 82/2023, is April 1, 2023.

The grand opening of trademark registration commenced on April 26, 2023, allowing applications for previously used and newly created trademarks, notably:

- Trademarks registered or exhibited at an international exhibition in any member state of the Paris Convention or the World Trade Organization (WTO) enjoy priority rights if filed within six months from the date of the application.
- Unused trademarks intended for future use may also be registered but must be used within three years of registration to remain valid.

Trademarks can be renewed indefinitely in ten-year increments, provided renewal applications are submitted before the expiration of the current term. Continuous use in commerce is required; trademarks not used for three consecutive years may face cancellation.

### Significant Milestones for Trademark Law Implementation

1. April 1, 2023: The Trademark Law officially came into effect.
2. April 26, 2023: Grand opening of the trademark registration system. Applications for both old and new trademarks began.
3. February 13, 2024: The IPD initiated the examination of applications based on formality and absolute grounds, using a first-come, first-served approach. Priority is given to applicants who complete payment as soon as possible.
4. May 1, 2024: The IPD launched an online publication system to enable third-party opposition. IPD updates monthly through online publications and journal issuance, accessible via the IPD's website and social media.
5. November 2024: E-Registration Certificates were issued to trademarks that successfully completed the examination, opposition publication, and registration payment process.

## Key Features of the Trademark Registration System

- **Priority Rights:** Trademarks registered in the Paris Convention or WTO member states and those actively used in the Myanmar market before the TL retain priority over new filings.
- **Renewal:** Registrations can be renewed indefinitely for ten-year terms.
- **Non-Use Cancellation:** Trademarks not used in commerce for three consecutive years risk cancellation.

## Registration Requirements

1. The applicant's information: Name, passport number (or registration number), jurisdiction of incorporation, contact details, etc.
2. TM2 - Appointment of a representative to be notarized in their country if the applicant resides out of Myanmar.
3. Trademark name if applicable.
4. Colour claim, Mark Translation, Mark Transliteration, Disclaimer if applicable.
5. Trademark/logo in JPG file if the word and figurative/figurative mark.
6. Classes and class specifications.
7. Copies of the registration certificate and relevant documents are needed if you are claiming priority rights.

## II. Industrial Design Law

The Industrial Design Law (**IDL**) in Myanmar, effective from October 31, 2023, provides a comprehensive framework for protecting the external visual design of objects. The key focus is on the aesthetic aspects of the design rather than its functional features. The IDL ensures that only new designs that have not been previously disclosed to the public can be registered.

### Key Milestones:

1. **Effective Date:** October 31, 2023.

The IDL became effective, setting the regulatory framework for protecting industrial designs in Myanmar.

2. **Electronic Filing System Launch:** February 1, 2024.

Applicants can now submit industrial design registration requests electronically through a secure filing system provided by the IPD. This system aims to streamline and improve the registration process.

3. **Opposition Publication:** Starting from September 5, 2024.

The IPD published industrial designs for opposition, allowing third parties to challenge the registration of designs. The IPD launched an online publication system to facilitate third-party opposition and provide monthly updates through online publications and journal issuance, accessible via the IPD's website and social media.



### Key Features of the Registration System:

- **Novelty Requirement:** Industrial designs must be novel, meaning they must not have been disclosed to the public in any form—through writing, use, publication, display, or any other method—anywhere before the application date or the priority date (if applicable).
- **Protection Period:** Registered industrial designs are protected for an initial term of five years, beginning from the application date. This term can be extended to up to two additional five years each upon application, providing a maximum protection period of 15 years.
- **Priority Right:** If an application is filed within six months from filing in a member state of the Paris Convention or a WTO member state, the applicant can claim a priority right, ensuring their design is protected from the same filing date in Myanmar.

### Registration Requirements:

1. **Applicant Details:** Information about the applicant, including their legal status (individual, company, etc.).
2. **Creator Information:** If applicable, the name(s) of the creator(s) of the design and declaration must be disclosed.
3. **Design Details:** The registration must include a detailed description of the design, including visual representations (e.g., drawings, photographs) that clearly show the appearance of the design.
4. **Class, Goods, and Services:** The design must be classified according to the International Classification of Industrial Designs. The applicant must specify the class of goods or services that the design relates to.
5. **Deferment of Publication:** The applicant can request the deferment of publication of the design for a period not more than 18 months from the filing date or date of priority (if claimed). This allows the applicant to keep the design confidential before making it public.

6. **Priority Claim Documents:** If claiming priority based on a previous filing in a member state of the Paris Convention or a WTO member state within the last six months, a copy of the registration documents must be submitted as evidence.
7. **Exhibition Claim Documents:** If the design has been exhibited at an international exhibition approved by the government of any Paris Convention or WTO member state within the last six months, evidence of the exhibition must be provided to claim a priority right.

### III. Copyright

The Copyright Law (CL), enacted in 2019, repealed the Myanmar Copyright Act of 1914 and introduced a new legislative framework for protecting literary and artistic works and related rights. A key feature of the new CL is its recognition of copyright protection for foreign works, aligning Myanmar with international copyright norms. Historically, copyright protection in Myanmar was automatic, with no requirement for registration. However, under the new CL, copyright holders can now voluntarily register their work per the guidelines outlined in the legislation.

#### Key Milestones in Copyright Registration:

- October 23, 2023: Issuance of the Copyright Registration Rules (CRR) CRR was issued and took effect on October 31, 2023.
- February 9, 2024: Voluntary Registration Begins:  
Authorities officially started accepting voluntary copyright registrations,





allowing copyright holders to submit their work for protection.

- August 6, 2024: Rules for Collective Management Organizations (CMO)  
The MOC issued rules regarding CMO on Copyright and Related Rights, providing a structure for managing collective copyright and related rights.
- October 16, 2024: Official CMO Application Forms Released  
The MOC issued official forms for the application of CMO, enabling copyright holders to apply for management services.
- November 5, 2024: Announcement on Artistic Works Application  
The IPD issued an announcement detailing the number of artistic works that can be included in a single application form.

### **Eligibility for Copyright Application:**

Applications for copyright protection may be submitted by the author or the owner of the copyright through inheritance, transfer via testament, gift, donation, or under any applicable law. In addition, related rights may be claimed by performers, producers of phonograms, broadcasting organizations, or the owners of related rights through similar methods (inheritance, transfer, gift, donation, etc.).

### **Application Process:**

Applications can be prepared in Myanmar or English. They may be submitted via E-filing, in person at the IPD, or by postal mail.

### **Protection - Rights Granted:**

**Copyright:** The new CL gives copyright protection for eligible literary and artistic works and grants them to the creators of those works.

**Related Rights:** Related rights protect performances, original recordings, and broadcasts of works. These rights are granted to performers, producers of phonograms, and broadcasting organizations.

### **Terms of Economic and Moral Rights:**

**Economic Rights:** These last for the author's life and 50 years after their death. For works of joint authorship, the term extends to the life of the last surviving author and 50 years after their death.

**Moral Rights:** These last for the author's life and continue indefinitely after their death.

While copyright ownership is automatically granted upon the creation of a work, it is advisable to register with the IPD. Registration as a notice provides a robust and formal means of safeguarding copyright ownership and compelling evidence of one's rights in case of any disputes or infringement claims.

## IV. Patent Law (PL) and Implementation

The PL was enacted to protect inventions related to products and processes. Under the PL, patents will be granted for any novel inventions involving an inventive step that can be made or used in some industry. Non-patentable inventions are outlined in the PL and include discoveries, scientific theories and mathematical methods, rules and methods of doing business, computer programs, methods of treating humans and animals and biological processes for producing plants and animals. In addition to those mentioned above generally recognized non-patentable subjects, the PL makes special provisions exempting the protection of pharmaceutical patents until January 1, 2033, and the protection of chemical products used in agriculture, food products, and microbiological products until July 1, 2021, unless the Union Government of Myanmar specifies otherwise, which are in line with the extended transition period for meeting obligations under the TRIPS Agreement for least-developed country members.

The right of priority provided under the Patent Cooperation Treaty or the Paris Convention may be claimed in Myanmar within one year from the date of the application.

Patent applications are accepted starting October 31, 2024. Patents are valid for twenty years from the filing date, while utility models are valid for ten years. Applicants must request substantive examinations within 36 months from the filing date of their application.

In a dispute arising from these registrations, the parties involved must attempt to resolve the matter amicably or through alternative dispute resolution methods, such as arbitration, or pursue legal action in the relevant court within the Union. The Law grants the Union Supreme Court of Myanmar the authority to establish Intellectual Property Courts (IP Courts) to handle both criminal and civil cases related to intellectual property rights.

## V. Conclusion

Myanmar's intellectual property landscape is evolving with new laws for copyrights, trademarks, industrial designs, and patents, aligning with international standards. These changes create opportunities for creators and businesses to protect their assets under strong legal frameworks. Our team offers comprehensive IP services, including copyright registration, trademark filings, industrial design applications, and patent protection, helping clients navigate Myanmar's IP system.

Collaborate with us to secure your IP rights and strengthen your competitive edge in Myanmar's dynamic market. Contact us to protect your innovations and creations.

Should you have any queries or require assistance on IP-related matters in Myanmar, please contact us at [DFDLip.Myn@dfdl.com](mailto:DFDLip.Myn@dfdl.com).

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