

Requirements and Procedures for Filing a Design Application in Myanmar

The Myanmar Industrial Design Law (IDL 2019) was passed by the Parliament of the Republic of Union of Myanmar on 30th January 2019. The Ministry of Commerce (MOC) issued the Industrial Design Rules (IDR) on 29th September 2023. The IDL 2019 came into force on 31st October 2023 under the Notification No. 271/2023 of State Administration Council. The IPD started to accept applications for industrial design registration on 1st February 2024.

Eligible Applicants

The persons who are eligible to file an industrial design (Design) application are:

- (a) the designer of the Design or the successor or authorized assignee of the designer;
- (b) the joint designers if the Design is created by more than one person; and
- (c) the employer of the employee designer unless agreed otherwise in the employment contract.

Registrable Design

An “industrial design” means the appearance, in whole or in part, of an industrial or handicraft product resulted from the features of, in particular, the lines, contours, colors, shapes, textures or materials of the said product itself and/or its ornamentation.

To be registrable, the Design must be new and original, i.e. not imitating any other design. The Design is deemed new if it has not been disclosed to the public domestically or abroad whether before the filing date or before the priority date if the priority right is claimed. The Design is not new if it is a combination of a known design or if it is not significantly different from a known design.

Non-Registrable Design

A Design which is related to technology and function of the product or has a negative impact on the peace, stability, morality, religion of the public or the vulnerable culture of Myanmar cannot be registered.

Filing Requirements

- 1) name, address, company registration number and contact number of the applicant;
- 2) name, address, and nationality of the designer if applicant is not the designer;
- 3) a copy of NRC or passport if the applicant is an individual;
- 4) presentation of design with drawing in black and white or in color, and the size of the drawing or the photograph must not be more than 16cm x 16cm;
- 5) if the Design is 3D, seven drawings in clear lines or seven photographs of the Design showing the perspective view, front view, back view, top view, bottom view, left view and right view;
- 6) a Design to be filed under one application through WIPO file; One application for multiple designs in same classification can be filed at the counter;
- 7) types of goods to be used with Design, in accordance to the Locarno Classification;
- 8) a description of the Design consisting not more than 100 words;
- 9) name, address, contact number of representative if the design is filed with representative;
- 10) the ID-2 Form for appointment of the local (Myanmar) representative signed by the applicant and notarized by a notary public;
- 11) a copy of the assignment agreement for the designer to assign the Design to the applicant if designer is not same person as the applicant;
- 12) a copy of the foreign application filed abroad for the Design issued by the foreign patent/ design office if the priority right of the foreign application will be claimed.

The application must be filed with the Design Registrar at the Intellectual Property Department. One application can cover several Designs if they are used with products under the same class in the Locarno Agreement. The applicant has a chance to defer on publication of the registered Design by the IPD. The IPD will allow deferment for a period not more than 18 months.

Priority Claim Based on Priority Application

The applicant can claim the priority right based on its earlier application in a foreign country within 6 months from the earlier application filing date. The requirements for the priority claim application based on an earlier foreign application are:

- 1) Application/registration number of the Design;
- 2) Application/registration date of the Design;
- 3) Names of the government office and country in which the Design has been registered;
- 4) A copy of the Design registration certificate (with an English or Myanmar translation if it is not in English) if the priority application has been granted registration.

Priority Claim Based on International Exhibition (IE)

The applicant can claim the priority right of an IE in a foreign country within 6 months from the date of the IE. The requirements for the priority claim based on an IE are:

- 1) Number of the Design to be claimed
- 2) Name of the country where the IE was held and the name of the IE
- 3) Period of the IE and the first date of the IE
- 4) Evidence showing that the Design was exhibited at the IE issued by the government office which organized the IE.

Registration Term and Renewal

Each Design registration has a term of five years starting from the application filing date and it can be renewed twice for a period of five years each. A renewal application can be filed within 6 months before the registration expiry date. A late renewal application can be filed within the grace period of 6 months from the expiry date subject to payment of an additional renewal fee.



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