

Trademark Law of Myanmar Finally Passed

The Myanmar's Trademark Law ("TML") was finally passed by the Union Parliament of Myanmar (PyidaungsuHtuttaw) on 24th January 2019. The TML has been sent to the President for his approval and signature before it becomes effective on the day of its publication in the official gazette. Once the TML comes into force, it will establish a new regime of trademark system of Myanmar. Currently Myanmar does not have a trademark law. A trademark can be registered under the Deeds Registration Law 2018 with the Office for Registration of Deeds by registering a Declaration of Trademark Ownership.

TML will introduce the following major changes:-

1. The Myanmar Intellectual Property Office ("MIPO") will be established under the Ministry of Education to be in charge of trademark registration.
2. The current Myanmar's first-to-use system will be replaced by a first-to-file system aligning Myanmar with other ASEAN countries.
3. The trademark, service mark, collective mark, certification mark and geographical indication will be given protection.
4. A well-known mark, a trade name and a domain name will also be protected.
5. Registration of a mark will be valid for ten years from the filing date and can be renewed every period of ten years.
6. A trademark application can be filed with the MIPO with or without a priority claim.
7. Each trademark currently registered under the Registration Act 1908 or the Deeds Registration Law 2018 must be re-filed with the MIPO within the transitional period because it will not be automatically recognized under the TML.

It is expected to take the Government for 6 to 12 months to establish the MIPO and enact implementation rules to implement the TML.



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