

Re-filing of Registered Trademarks and Filing of Used Trademarks in Myanmar

1. On 28th August 2020, the Ministry of Commerce of Myanmar (“**MOC**”) issued Order No. 63/2020 to announce the Soft Opening of the Trademark Office (“**TMO**”) under the Intellectual Property Department (“**IPD**”) for re-filing of registered trademarks and filing of used but non-registered trademarks under the Myanmar Trademark Law 2019 (“**MTL2019**”).
2. The Soft Opening Period (“**SOP**”) will start from 1st October 2020 and will last at least 6 months or longer. The MOC will later announce the final date of the SOP.
3. Registered trademarks which are not re-filed will not be recognized under the MTL2019.
4. The major re-filing requirements for a registered mark are a specimen of the mark, a list of goods/services under the Nice Classification (they must be the same as those under the registered DTO – Declaration of Trademark Ownership), a copy of the registered DTO, a copy of the published CN (Cautionary Notice), evidence of trademark assignment or owner name change if the name of the owner under the DTO and the name of the applicant under the re-filing application are not the same.
5. The major requirements for filing a used mark during the SOP are a specimen of the mark, a list of goods/services and evidence of its use in Myanmar (such as copies of invoices/tax invoices and receipts for sales of goods/services), evidence of advertisements of the used mark.
6. If the applicant is not a Myanmar national, a notarized PoA in the official TM2 Form for appointment of a Myanmar representative must also be filed. However, it is not required to be filed with the application. It can be filed after the application is filed. The MOC will issue the official TM2 Form during the SOP.
7. The MOC will announce the official fee rates during the SOP. The official filing fee is not required to be paid when the re-filing application is filed. It will be payable after the TMO has completed the formality examination of the application and found it meet the re-filing requirements.
8. Owners of trademarks can still register their trademarks with the Registry Office under the old law during the SOP.



Kowit Somwaiya
Managing Partner
kowit.somwaiya@lawplusltd.com



Khin Khin Zaw
Partner
khinkhinzaw@lawplusltd.com

LawPlus Myanmar Ltd.
Unit No. 520, 5th Floor, Hledan Centre, Corner of Pyay Road and Hledan Road
Kamayut Township, Yangon, Myanmar
Tel. +95 92 6111 7006, +95 92 6098 9752

www.lawplusltd.com