

## Update on Trademark Registration and Trademark Re-Filing in Myanmar

This note is an update on the law and the practice of Myanmar in relation to registration of new trademarks and re-filing of registered and used trademarks in Myanmar as of December 2021.

### New Trademark Registration under the Old Law

A new trademark can be registered with the Office for Registration of Deeds (“**Registration Office**”) by registering a Declaration of Trademark Ownership (“**DTO**”) under the Deeds Registration Law 2018. One DTO can cover one trademark for one or several classes of goods or services in accordance to the Nice Classification. There is neither examination nor opposition procedures. The registration is granted after 2 weeks from the DTO filing date if the Registrar finds the DTO comply with the Deeds Registration Law.

A trademark registration is valid without an expiry date. Once the DTO is registered, publishing of a Cautionary Notice (“**CN**”) in a local newspaper is then made by the trademark owner to notify the public of the trademark ownership and to discourage infringement of the trademark.

It is a well-established practice for the owner of a registered trademark to publish a CN for a registered trademark every period of 3 years.

### Re-filing Registered Trademarks under the New Trademark Law 2019 (“**MTL2019**”)

Re-filing of trademarks registered with the Registration Office or used in Myanmar through the WIPO / IPD online filing system is possible under the Order No. 63/2020 of the Ministry of Commerce of Myanmar (“**MOC**”). The re-filing period (aka the “**Soft Opening Period**”) started on 1<sup>st</sup> October 2020 and will end on the effective date of the MTL2019. The President of Myanmar will later announce the effective date of the MTL2019. The MOC has not yet announced the official filing fees and the form of the official POA.

As of 27<sup>th</sup> December 2021, the IPD has accepted applications around 45,000 re-filing applications for registered and used trademarks. The IPD will continue accepting re-filing applications in 2022.



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