

## Trademark Registration and Trademark Re-Filing in Myanmar

This is an update on the law and the practice of Myanmar in relation to registration of new trademarks and re-filing / re-registration of registered trademarks and used trademarks as of 29<sup>th</sup> March 2022.

### New Trademark Registration under the Old Law

The owner of a new trademark can register the trademark with the Office for Registration of Deeds (“**Registry 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 and/or services under the Nice Classification. There is no examination procedures. The Registry Office registers the DTO in around 2 weeks from its filing date if the Registrar finds the DTO compliant with the Deeds Registration Law 2018.

A trademark registration does not have an expiry date. Once the DTO is registered, it is a well-established practice for the trademark owner to publish a Cautionary Notice (“**CN**”) in a local newspaper 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 the registered trademark every period of 3 years.

In the first quarter of 2022, the Registry Office received around 2,400 DTO filing applications.

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

Owners of trademarks already registered with the Registry Office or used in Myanmar must re-file their trademarks with the Intellectual Property Department (“**IPD**”) via the online filing system under Order No. 63/2020 of the Ministry of Commerce of Myanmar (“**MOC**”) issued under the MTL2019. The re-filing applications must be filed during the “**Soft Opening Period**” starting from 1<sup>st</sup> October 2020 until the effective date of the MTL2019.

The President of Myanmar has not yet announced the effective date of the MTL2019. The MOC has not yet announced the rates of the official fees and the official POA form for re-filing applications. The MOC may announce them in the second half of 2022. The DIP may also open its office for physical re-filing of registered / used trademarks in the second half of 2022.



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