

The Myanmar Trademark Law 2019 Comes into Force

The State Administration Council issued the SAC Notification No. 82/2023 dated 10th March 2023 to announce that the Myanmar Trademark Law 2019 (“**MTL**”) will come into force on 1st April 2023 (“**MTL Effective Date**”).

It is expected that the Department of Intellectual Property (“**DIP**”) will announce the Grand Opening Period (“**GOP**”) for filing fresh applications for new trademarks physically at the DIP or online on 26th April 2023 or a later date.

The first phase of the Soft Opening Period (“**SOP**”) for refiling registered and used trademarks starting since 1st October 2020 remains active.

The DIP will launch the second phase of the SOP by issuing a notification after the MTL Effective Date to allow applicants to physically at the DIP counters or electronically (1) re-file applications for registered and used marks, (2) pay the official re-filing fees, and (3) file the TM-2 Form (appointment of representatives).

The trademark owners who already refiled their registered trademarks before the MTL Effective Date must pay the official refiling fee to the DIP within one month from the MTL Effective Date. If the official re-filing fee for any re-filed trademark is paid within one month from the MTL Effective Date, the first date of the GOP will be deemed the filing date of that re-filed trademark.

The DIP or the Intellectual Property Agency will announce the rates of the official fees soon after the MTL Effective Date. It is expected that the official re-filing fee will be MMK150,000 (around USD75) per mark per class.

Each trademark applicant outside Myanmar must appoint a Myanmar certified trademark representative to handle their re-filed trademarks by signing the official TM-2 Form. The said TM-2 Form must be notarized by a notary public.

Each notarized TM-2 Form is required for each refiled trademark, except in case where more than 10 trademarks were refiled by the same owner. The owner who refiled more than 10 trademarks can file only one TM-2 Form, provided that a request for permission to file only one TM-2 Form is filed with the DIP before the filing of the TM-2 Form.

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