

## The Myanmar Trademark Law 2019 Comes into Force

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

On 31<sup>st</sup> March 2023, the Ministry of Commerce (“**MOC**”) issued the Notification No.17/2023 to issue the Trademark Registration Rules (“**TMR**”). The TMR sets out the requirements and procedures for trademark applications, priority claims, examination process, opposition, extension of registration, recordation of assignment and license of registered trademarks, invalidation and cancellation of registered trademarks, appointment of trademark representative, etc.

On 1<sup>st</sup> April 2023, the MOC issued Notification No. 1/2023 to establish the Intellectual Property Agency (“**IPA**”) with the approval of the Union Government. The IPA consists of 15 members. The MOC Deputy Minister of the MOC is appointed as the Chairman of the IPA. The secretary of the IPA is the Director-General of the DIP (Department of Intellectual Property).

The DIP issued its Announcement No. 1/2023 on 1<sup>st</sup> April 2023 to launch the second phase of the **SOP (Soft Opening Period)** starting on 3<sup>rd</sup> April 2023 to allow applicants to: (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) physically at the counters of the DIP offices in Naypyidaw or Yangon or electronically.

If the filings and the payments of the official fees are made at the counters of the DIP, the payments must be made through the Point-of-Sale (**POS**) system of the DIP and the official receipt will be issued at the same time. Alternatively, the official fees can be paid by e-payment through the WIPO filing system during the second phase of the SOP.

The IPA announced the rates of the official fees by its Notification No. 1/2023 on 1<sup>st</sup> April 2023. The official filing fee, re-filing fee and registration fee are all at the same rate of MMK150,000 (around USD75) per mark per class.

Each trademark applicant outside Myanmar must appoint a Myanmar certified trademark representative to handle their trademark filing and re-filing by signing the official TM-2 Form. The TM-2 Form must be notarized by a notary public. One notarized TM-2 Form can be used for filing and re-filing several trademarks by the same applicant.

The trademarks which were refiled during first phase SOP from 1<sup>st</sup> October 2020 under the DIP’s Order No. 63/2020 will be granted the **Grand Opening Date (“GOD”)** as their filing date if their refiled applications meet all the filing requirements and if the official refiled fees are paid.

It is expected that the DIP will announce the GOD on 26<sup>th</sup> April 2023 or a later date.

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