

## Trademark Law of Myanmar 2019

The Union Parliament of Myanmar finally passed the Myanmar Trademark Law (“TML”) on 30<sup>th</sup> January 2019 as a Pyidaungsu Htuttaw Law No. 3/2019 and it was signed by the President of Myanmar on the same day. It will be effective after a notification is issued by the President of Myanmar.

The TML has established a new trademark system with the following major principles:

1. The Myanmar Intellectual Property Office (“MIPO”) will be established under the Ministry of Commerce to administer trademark registration.
2. The Central Intellectual Property Committee (“CIPC”) and the Intellectual Property Agency (“IPA”) will be established to issue and implement intellectual property policies in compliance with the principles and provisions of the IP-related treaties and conventions of which Myanmar is a member state.
3. The first-to-file system for trademark registration and protection will be adopted to bring Myanmar to be in line with other ASEAN countries.
4. Trademarks, service marks, collective marks, certification marks and geographical indications will be given protection. Well-known marks and trade names will also be protected.
5. A trademark application can be filed with the MIPO with or without a priority claim. A trademark examination and opposition proceedings will be handled by the MIPO.
6. Registration of a mark is valid for ten years from the trademark application filing date and can be renewed every period of ten years. A trademark registration can be cancelled for non-use and it can be invalidated for non-registrability.

Each trademark already registered under the Registration Act 1908 or the Deeds Registration Law 2018 must be re-filed with the MIPO because the current trademark registration is not automatically recognized under the TML.



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