

Courts in Myanmar Are Granted Jurisdiction as Intellectual Property Courts

On 24th March 2023, the Supreme Court of the Union (“SCU”) issued 5 notifications to confer jurisdiction over IPR cases to several courts resulting in these courts being the IPR Courts (“IP Courts”) under Section 66 of the Myanmar Trademark Law 2019 (“MTL 2019”) effective on and from 1st April 2023. The IP Courts which have been granted jurisdiction over the IPR cases by the SCU under the 5 notifications are as follows:

1. The High Court of the Yangon Region has jurisdiction over the appeal cases against the orders and decisions issued by Intellectual Property Agency under Section 66 of the MTL 2019 and the cases against the suspension orders issued by the Director-General of the Customs Department under Section 72 of MTL 2019 (SCU Notification No. 235/2023).
2. The District Courts and the Courts of Self-Administered Division/State have original jurisdiction over the criminal cases filed under the MTL 2019 (SCU Notification No. 236/2023).
3. The High Courts of Regions and States have jurisdiction over the appeals and the revisions of the judgments, orders and decisions issued by the District Courts and the Courts of Self-Administered Division/State in relation to criminal cases (SCU Notification No. 237/2023).
4. The Kyauktada District Court has original jurisdiction over the civil cases on IPR infringement under section 67(a) of the MTL and the provisional measures under Section 77(a) of the MTL 2019 (SCU Notification No. 238/2023).
5. The High Court of the Yangon Region has jurisdiction over the appeals and the revisions of the judgments, orders and decisions in civil cases issued by the IP Courts under Section 67(d) of the MTL 2019 (SCU Notification No. 239/2023).

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