

Myanmar's IP Laws Passed by the Upper House

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On 15th February 2018, the Upper House of the Myanmar Parliament passed four IP laws, i.e. the Trademark Law, the Patent Law, the Industrial Design Law and the Copyright Law. They will soon be further submitted for review and approval of the Lower House of the Myanmar Parliament and the Assembly of the Union of Myanmar respectively. Once they have been approved by the Assembly of the Union, they will be sent to the President for his signature and they will become effective on the day of publication in the Official Gazette, expected within this year.

Once these new IP laws come into force, they will substantially change the current process of IP registration and protection in Myanmar. They will establish a new regime of IP system, enhance the business environment and provide better protection for IP rights in Myanmar.

Currently Myanmar does not have a trademark law, a patent law or an industrial design law.

Trademark Law

A trademark is registered under Registration Act 1908 with the Office for Registration of Deeds. Under the new Trademark Law, the Myanmar Intellectual Property Office will be established within the Ministry of Education to be in charge of trademark registration.

The current first-to-use system will be replaced by the first-to-file system aligning Myanmar with other ASEAN countries. Registration of a mark will be valid for ten years from the filing date and can be renewed every ten years. The trademarks registered under the current system will not be automatically protected under the new Trademark Law. They must be re-filed.

Patent Law

The Office for Registration of Deeds used to allow registration of patents under the Registration Act but ceased to accept patent applications last year. Myanmar is not a signatory of the Paris Convention for the Protection of Industrial Property or any other treaty protecting patents including the Patent Cooperation Treaty (PCT).

The new Patent Law will establish a patent registration system that includes procedures which are used in most Paris Convention countries and are in line with international standards of patent protection worldwide. Moreover, the new Patent Law will establish valid grounds and courses of actions for patent owners to pursue against patent infringers.

Industrial Design Law

A design can be registered under the Registration Act 1908 by registering a Declaration of Ownership which is in fact a solemn statement of facts made by the design owner. The new Industrial Design Law will establish the registration system for industrial design registration for the first time. A registered industrial design will be valid for five years from the application date, and it can be renewed for two additional terms of five years each.

Copyright Law

The new Copyright Law will replace the Myanmar Copyright Act 1914. The current law does not recognize a copyright work of any other country for recordal or enforcement in Myanmar. Myanmar is not a signatory to the Paris Convention for the Protection of Industrial Property. Nor is it a signatory to the Berne Convention for the Protection of Literary and Artistic Works. But Myanmar is a party to the TRIPS agreement.

The new Copyright Law will grant protection for works created by nationals of other state members of the TRIPS agreement.

LawPlus IP Team

LawPlus Ltd. has served clients on IP matters in Myanmar through our local associates since 2003 and directly by LawPlus Myanmar Ltd. since 2013. Our Myanmar team has in-depth knowledge and insight of the Myanmar laws and practices. Click [here](#) to learn more about our LawPlus Myanmar team.

AUTHOR



Kowit Somwaiya
Managing Partner | **Bangkok**
kowit.somwaiya@lawplusltd.com



Paramee Kerativitayanan
Associate | **Bangkok**
paramee.kerativitayanan@lawplusltd.com

LawPlus Ltd.
Unit 1401, 14th Floor, Abdulrahim Place 990
Rama IV Road, Bangkok 10500, Thailand

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Tel: +662 636 0662

Fax: +662 636 0663

LawPlus Myanmar Ltd.

Unit No. 520, 5th Floor, Hledan Centre

Corner of Pyay Road and Hledan Road, Kamayut Township,

Yangon, Myanmar

Tel: +95 (0)92 6111 7006

and +95 (0)92 6098 9752