

The “Soft Opening” Announced to Start on 1st October 2020 for Re-filing of Registered Trademarks and Filing of Used Trademarks

On 28th August 2020, the Ministry of Commerce of Myanmar (“MOC”) issued Order No. 63/2020 to announce the Soft Opening for owners of registered trademarks and used trademarks to file their trademarks under the Myanmar Trademark Law 2019 (“MTL2019”). The key points of the Order are summarized below.

1. Owners of trademarks already registered with the Registry Office under the old system can re-file their trademarks starting from 1st October 2020 for the trademarks to be recognized under the MTL2019. Owners of trademarks used in Myanmar can file their trademarks with evidence of use during the Soft Opening. The end of the Soft Opening is not stated in the Order.
2. The application re-filing / filing date will be the same as the effective date of the MTL2019 to be announced later.
3. The re-filing / filing can be made online by a non-Myanmar owner through a recognized Myanmar law firm as the local representative. A Myanmar owner can file the application in person or online without a local representative.
4. The major re-filing / filing requirements are: a specimen of the mark, a list of goods/services with the Nice classification (they must be the same as those under the DTO), a copy of the registered DTO, a copy of the published CN, evidence of use (such as copies of invoices/tax invoices and receipts for sales of goods/services) and evidence of advertisement for the used mark, evidence of trademark assignment or owner name change if the name of the owner under the DTO and the name under the application are not the same, a notarized power of attorney if the owner is not a Myanmar national.

The MOC will announce the official fee rates under a separate order before the effective date of the MTL2019. This Order is not for filing a new non-registered / non-used trademark.

Registration of trademarks with the Registry Office under the old law can still be filed after 1st October 2020.



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