

## [ASEAN Bulletin: Myanmar](#) [Myanmar's New Trademark System](#)

As an effort to bring its intellectual property practices up to the global standard, the government of Republic of the Union of Myanmar (Myanmar) has enacted three new intellectual property laws, these include:

- I. Industrial Design Law (IDL);
- II. Trademark Law (TL), and;
- III. Patent Law (PL);

The new Industrial Design Law (IDL) and Trademark Law (TL) were enacted in January 2019, whereas the enactment of Patent Law (PL) was officially announced in March 2019. To this end, relevant information on rules, regulations, official fees and practice guidelines are yet to be made available.

As of early-2020, a new Intellectual Property Office (IPO) of Myanmar will be set up where IP filings can be done via both Nay Pyi Taw and/or Yangon offices. The regulations on the filing of patents and industrial design are still unclear at this point. Nonetheless, trademark applications can be filed starting from January 2020.

Myanmar's new trademark system will comply with TRIPS, operating based on a first-to-file basis and must be filed according to NICE classes. To properly regulate new trademark filings, the IPO of Myanmar has established two filing periods, these are:

- Soft opening period – spanning from January ~ June 2020;
- Grand opening period – from June 2020 onward;

During the **“soft opening”** trademarks previously filed under the old system can be refiled in the new system. To be eligible during the soft opening, applicants must submit supporting evidence such as: Declaration of Trademark Ownership (DOT), Cautionary Notice or any proof-of-use in Myanmar.

# NEWSLETTER

The “**grand opening**” period will allow any new applications that were not filed under the old system to be filed. Although the IPO of Myanmar has yet to announce the grand opening date, but it is expected to be set within the 2<sup>nd</sup> half of 2020. Be noted that the filing date of applications filed during the soft opening will be the same as the grand opening date. Below is a simplified timeframe of the new trademark filing system in Myanmar.

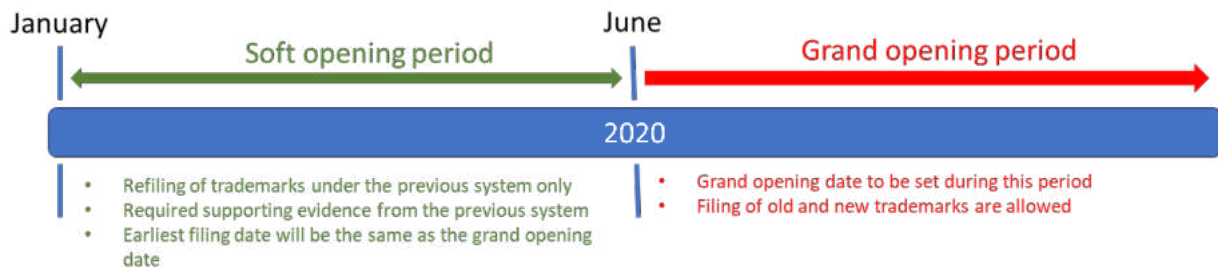


Figure 1. A diagram illustrating timeframe of new trademark filing system in Myanmar (2020).

In view of this, it is recommended that trademark owners make the necessary preparation for the new trademark filings in Myanmar to ensure full protection of rights.

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