

**Baker  
McKenzie.**

# Updates on Myanmar IP

Chadd Concepcion | 6 August 2019



# Agenda

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2 NEW IP LAWS

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# Current State of Affairs



# Treaties

- ✓ WIPO
- ✗ Berne
- ✗ Paris
- ✓ TRIPS
- ✗ PCT
- ✗ Madrid

# Trademark

## Declaration of Ownership

POA (Notarized and legalized) *reusable*

Declaration (Notarized) *multi class*

- No examination
- Some marks cannot be registered (Ex: religious symbols)
- No expiry
- Customarily renewed every 3 years
- Declaration is *prima facie* evidence of ownership

## Cautionary Notice

Constitutes use of mark

Confers ownership

# Copyright

- Protection limited to works created in Myanmar, or made by Myanmar citizens
- Limited kind of works protected (1914 law)
- No voluntary registration
- Limited to copyright

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# New IP Laws

## Trademark

- January 2019
- Replaces Registration Law

## Industrial Design

- January 2019
- *No previous law*

## Patent

- February 2019
- *No previous law*

## Copyright

- May 2019
- Replaces 1911 Copyright Act



**LAWS NOT YET  
IN EFFECT**

**IP Department to  
be established**

**Est. Q2 2020**



# IP Laws in Brief



## Copyright

- Protects foreign work
- 50y
- MM not Berne Convention CP (but TRIPS)



## Industrial Design

- First to file
- 5y (+5 +5) 15 max

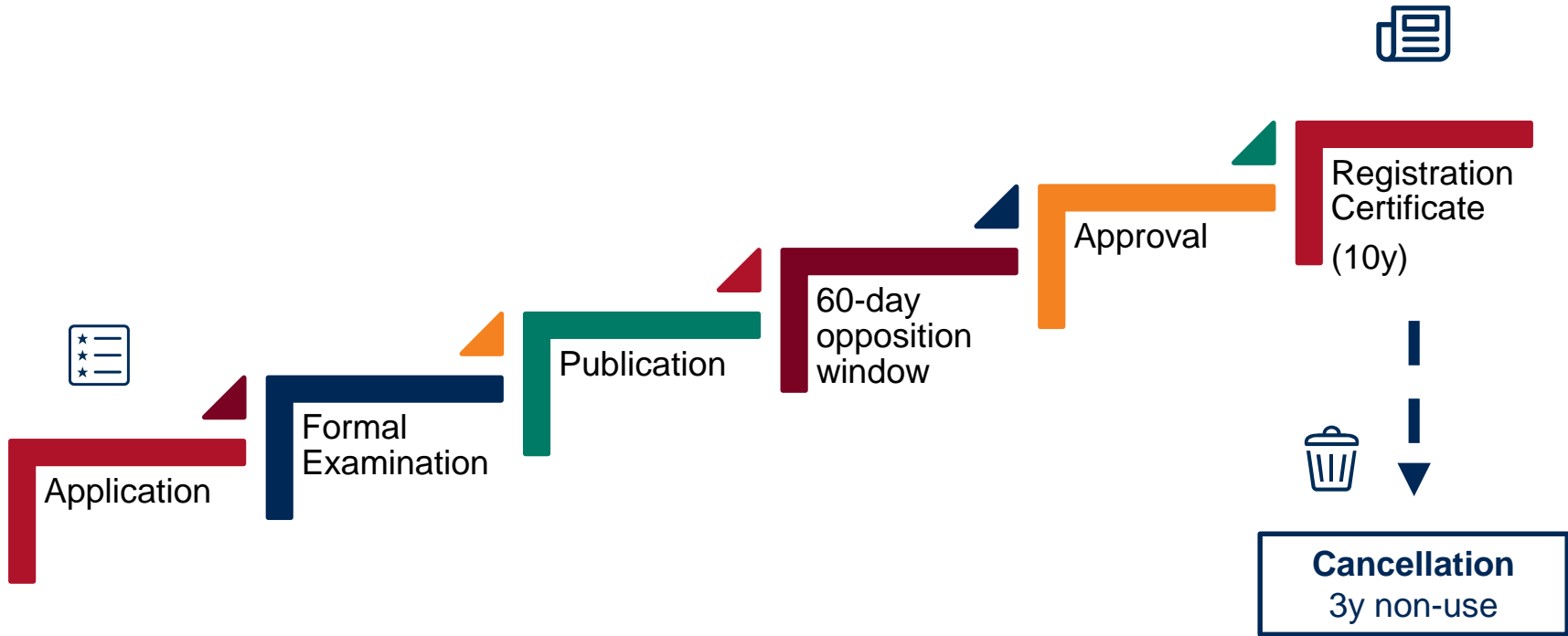


## Patent

- First to file
- Petty/Design Patent
- 20y
- MM not PCT CP

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# Trademark



# Details we know

- All existing trademarks must be re-registered
- Existing registrations can be used to **support** new re-registration
- Applications can be in English (unless examiner requests Myanmar)
- Priority right will be available (eventually)
- Nice Classification will be adopted
- Well-known marks to be recognized (but likely no registry)
- Geographical Indications will be available
- Recordals will be available
- Licensing of trademarks require recordal

# Details unknown

- Documents for registration
- POA?
- Fees
- Online filing
- Timeline ~ Q2 2020

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# Strategy

# How to prepare

- Audit portfolio
- Prepare existing all original DOs and CN publications
- Anticipate POA (to be legalized)



**Questions**



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