



## Myanmar

### IP OFFICE

Industrial Property (Patents, Trademarks, Industrial Designs and Copyright)	
Competent Authority	Intellectual Property Department
Web site address	A new website for the IP Department under the Ministry of Commerce will be created soon.
Address	Ministry of Commerce, Nay Pyi Taw, Republic of the Union of Myanmar
Telephone	(+95) 673 404507
E-mail	ipsectionmost@gmail.com (temporary valid until establishment of new email address under the Ministry of Commerce)

### MAIN IP INTERNATIONAL CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S.No.	Signature	In Force Since
1.	WIPO Convention	February 15, 2001

For more information please refer to:

[https://www.wipo.int/treaties/en/ShowResults.jsp?country\\_id=116C](https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=116C)

IP Rights	Legal Requirements	Duration	Responsible Authority
<b>Copyright</b>	- Originality	Life of author + 50 years	IP Department (Ministry of Commerce)
<b>Trademarks</b>	- Distinctiveness - Not in conflict with prior signs - Not generic - Not descriptive - Not contrary to public order, morality, faith and conscience, or venerated cherished culture of the Union and seared customs of the	10 years renewable (sect. 34 & 35)	IP Department (Ministry of Commerce)

	natives of the country (sect. 13 and 14)		
<b>Patents</b>	<ul style="list-style-type: none"> <li>- Novelty</li> <li>- Inventive step</li> <li>- Industrial Applicability</li> </ul> These concepts are explained in Sect. 13	20 Years	IP Department (Ministry of Commerce)
<b>Utility Models</b>	<ul style="list-style-type: none"> <li>- Granted for a “minor” invention which does not require to satisfy the test of inventiveness as required for patents.</li> </ul>	10 Years	IP Department (Ministry of Commerce)
<b>Industrial Designs</b>	<ul style="list-style-type: none"> <li>- New in Myanmar or elsewhere (sect. 13-15)</li> </ul>	5 Years (Renewable for 2 consecutive terms for a maximum 15 years)	IP Department (Ministry of Commerce)

PATENT SYSTEM	
National Law	Patent Law No 7 of March 11, 2019
Requirement of Agent for foreigners	Yes
Language in which request may be filed	English or Myanmar
Non-Patentable Subjects	(1) Discoveries, scientific theories and mathematical methods; (2) schemes, rules or methods for doing business, performing purely mental acts or playing games; (3) computer programs as such; (4) essentially biological processes for the production of plants or animals other than non-biological and microbiological processes; (5) plants and animals, including animal races and plant varieties and including the whole or part of natural living beings and biological materials found in nature other than artificially created microorganisms, DNA (including complementary DNA sequences), cells, cell lines, cell cultures and seeds; (6) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods practiced on the human or animal body; (7) inventions in relation to the natural substances, known substances including new uses and new forms of known substances or chemical products in accordance with the implementing regulations; (8) Inventions, where they are necessary to prevent the commercial exploitation of the invention within the State by any existing Law in order to protect public order or morality, including to protect human, animal or plant life or health or to avoid serious prejudice to the environment (Section 14).

Substantive Examination	Yes, in case an opposition is accepted or if the applicant requests it.
Opposition System	Yes. Opposition against patent application in Myanmar can be filed within 90 days from the date of Publication (sect. 33).
PCT international application through the national office of the country as a receiving office under the PCT	Myanmar is not yet party to the PCT.
PCT international application to the national office of the country as a designated office under the PCT	Myanmar is not yet party to the PCT.

INDUSTRIAL DESIGN SYSTEM	
National Law	Industrial Design Law No 2 of January 30, 2019
Subject of Protection	The appearance of the whole or a part of any industrial or handicraft product resulting from the features of, in particular, the lines, contours, colours, shapes, textures or materials of the said product itself and/or its ornamentation.
Language	English or Myanmar
Non-Registrable Subjects	(a) A design dictated essentially by technical or functional considerations; (b) A design contrary to public order, morality, faith or cherished culture of the Union. (Sect. 16)
Substantive Examination	When an opposition against an industrial design application is filed with the IP Office, a substantive examination is carried out (Sect. 33).
Multiple designs in a single application	Yes (Sect 21).
International application through and to the national office of the country under the Hague System: no information. Please refer also the following website.	Myanmar is not a party to the Hague system yet

TRADEMARK SYSTEM	
National Law	Trade Mark Law No. 3, of January 30, 2019
Subjects of Protection	A mark includes trade marks, service marks, collective marks, certification marks, and it can take the form of words including personal names, letters, numerals, figurative elements and combinations of colors as well as any combinations of such signs. (Sect. 2)
Language	English or Myanmar
Term of Trademark Protection	10 years renewable (Sect. 34-35)

Non-Registrable Subjects	See list above and contained in sect. 13 and 14.
Substantive Examination	Yes, the application undergoes a formality examination and absolute grounds examination (sect. 23), but relative grounds are not checked unless an opposition is filed.
Opposition System	Yes. Opposition against a trademark application in Myanmar can be filed within 60 days from its publication in the official publication. (Sect. 26)
International application through the national office of the country as an office of origin under the Madrid System	Myanmar is not a party to the Madrid system yet
International application to the national office of the country as a designated office of designated country under the Madrid System	Myanmar is not a party to the Madrid system yet

COPYRIGHT SYSTEM	
National Law	Copyright Law, Law No. 15/2019 of 24 May 2019
Subjects of Protection	<p><b>Copyright Matters</b></p> <ul style="list-style-type: none"> <li>- Literary works;</li> <li>- Musical works;</li> <li>- Artistic works;</li> <li>- Films and Audiovisual works;</li> <li>- Derivative work</li> </ul> <p><b>Related Right Matters</b></p> <ul style="list-style-type: none"> <li>- Sound Recordings;</li> <li>- Broadcasts; and</li> <li>- Performances</li> </ul>
Foreign Copyright Holders	Myanmar is not yet party to Berne Convention hence work of foreign copyright holders are not automatically protected. However, the situation will change in the near future.
Moral Rights	<p>Moral Rights consists of:</p> <ul style="list-style-type: none"> <li>- Paternity Rights: Allows the author to claim the originality rights of his or her creation.</li> <li>- Integrity Right: Authorizes the author to prevent any users from distortion, mutilation or other modifications of his or her work. (Sect. 20)</li> </ul>
Economic Rights	<p>They include the rights:</p> <ul style="list-style-type: none"> <li>- Rights of reproduction,</li> <li>- Rights of communication to public,</li> <li>- Rights to perform, showing or playing to the public, Rights of distribution and rights of commercial rental,</li> <li>- Right of Translation, Adaption, Arrangement, or other Alteration or Modification. (Sect. 18)</li> </ul>

#### TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY

There is no official national technology transfer office.

#### ATTORNEYS IN THE COUNTRY

While there is no official list, information regarding Intellectual Property Law Firms in Myanmar can be found at: <https://www.hg.org/law-firms/intellectual-property/myanmar.html>

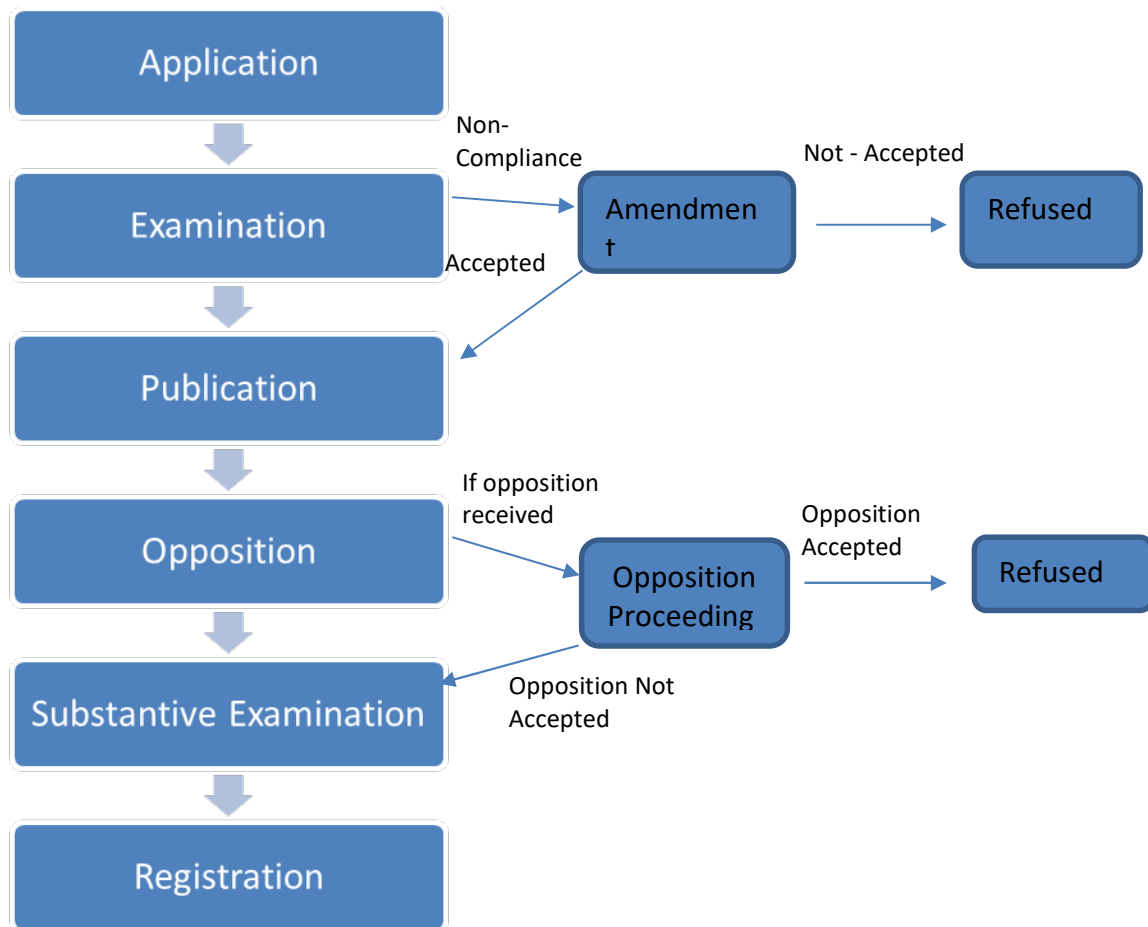
### FILING PROCEDURES

#### Patents

##### **Procedures for obtaining a Patent in Myanmar under the National Law**

- An application for the registration of a patent must be filed with the IP Department, in compliance with the formal requirements provided under sections 19 and 20.
- It undergoes a formality examination to verify compliance with the above sections.
- In case the Department is of the opinion that some amendments are required, it informs the applicant who has to submit the amended application within 60 days from the notification (sect. 30.b).
- Provided the application complies with the formality requirements, it will be published for 90 days to allow for possible oppositions from the public after 18 months from the date of filing or date of priority.
- In case oppositions are filed by third parties, the Registrar shall notify to the applicant who will be entitled to file a counter-statement within a time limit.
- The applicant shall submit the Substantive Examination Request within 36 months from the filing date or the priority date. If there is no such request submitted by the applicant, the application shall be deemed abandoned.
- With respect to the request for substantive examination of a patent application, the examiner shall examine the application against the patentability criteria.
- If the application is rejected, the application for registration is refused. And if the application is accepted, the applicant is granted and a certificate of patent is issued.
- If no oppositions are received, or if the opposition is unsuccessful, the application is accepted, and the applicant is granted a certificate of registration (sect. 40 and 41).

### Flow Chart for obtaining a Patent in Myanmar

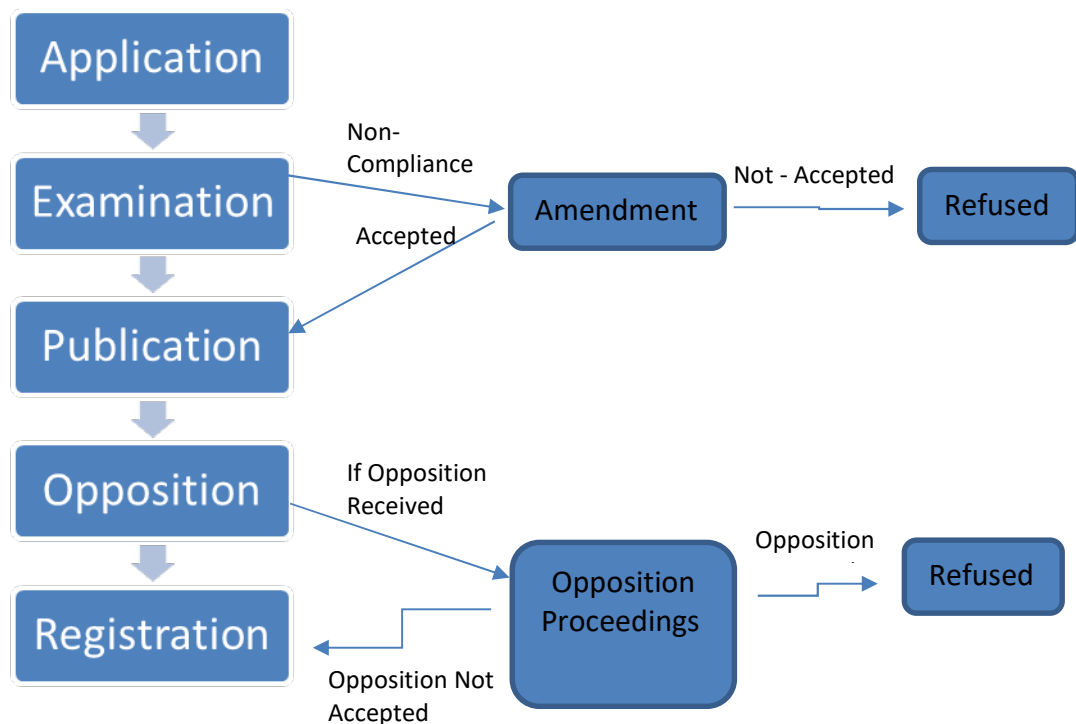


### **Trademarks**

#### Procedure for obtaining a Trademark in Myanmar under the National Law

- An application for the registration of trademark must be filed with the IP Department, in compliance with the formal requirements provided under section 17.
- It undergoes a formality and absolute ground examination to verify compliance with sections 13 and 17.
- In case the Department is of the opinion that some amendments are required, it informs the applicant who has to submit the amended application within 30 days from the notification (sect. 23.b).
- Once the application successfully passes the examination stage, it is published in the official publication for sixty days to allow for possible oppositions from the public.
- If the opposition is accepted, the application for registration is refused.
- If no oppositions are received, or if the opposition is unsuccessful, the application is accepted and applicant is granted a certificate of registration (sect. 26-27).

### Flow Chart for obtaining a Trademark in Myanmar



### **Industrial Designs**

#### Procedures for obtaining an Industrial Design in Myanmar under the national law

- An application for the registration of an industrial design must be filed with the IP Department, in compliance with the formal requirements provided under sections 21 and 22.
- It undergoes a formality examination to verify compliance with the above sections, and to examine if the proposed design complies with the definition of Industrial Design and whether the proposed industrial design is contrary to public order, morality, faith or cherished culture of the Union.
- In case the Department is of the opinion that some amendments are required, it informs the applicant who has to submit the amended application within 30 days from the notification (sect. 28.b).
- Once the application successfully passes the examination stage, it is published in the official publication for sixty days to allow for possible oppositions / objections from the public (Sect. 31).
- If the opposition is accepted, the application for registration is refused.
- If no oppositions are received, or if the opposition is unsuccessful, the application is accepted, and the applicant is granted a certificate of registration (sect. 33).

**Flow Chart for obtaining an Industrial Design in Myanmar**

