

Trademark Registration Order: Ministry of Commerce Order No. 63/2020- Soft Opening of New Registration System

On 28 August 2020, the Ministry of Commerce ("**MOC**") issued Order No. 63/2020 ("**Order**") directing all Trademark Owners to apply for trademark registration. A "Trademark Owner" is defined under Section 93(a) of the Trademark Law as an owner of a mark which is registered at the Deeds Registration Office, or an owner of a mark which is not registered but is actually in use in the Myanmar market. The Order requires such Trademark Owners to apply for Trademark Registration starting from 1 October 2020 as the Government seeks to transition from a First to Use System to a First to File System.

Under the Trademark Law, Trademark Owners, regardless of whether their marks had been previously registered (i.e. by filing of a declaration of ownership) or not, are entitled to enjoy a right of priority for a period of time to register their marks for goods or services under the new registration system if the marks are actually in use in the Myanmar market. This period of time is now defined under the Order as starting from 1 October 2020 up to the official commencement filing date of all Trademarks (such date to be announced by the Government). Trademark Owners may submit Trademark registration applications from 1 October 2020 onwards, and such applications will be regarded as applications filed on the official commencement filing date once it has been announced by the Government.

The Trademark registration process can either be undertaken by service companies and law firms assisting Trademark Owners or by Trademark Owners themselves by way of the online registration system as stipulated by the Department of Consumer Affairs of MOC. The application shall include the necessary supporting information and documents to show that the Trademark (i) has already been registered with the Deeds Registration Office (i.e. by the filing of a declaration of ownership), or (ii) is an unregistered trademark but which has been exclusively used by the applicant in the Myanmar market up to the date of the application. The relevant supporting documents would include:

- (a) the declaration of ownership of the Trademark as registered at the Deeds Registration Office;
- (b) a certified true copy of the registration certificate from the Deeds Registration Office;
- (c) proof of a public announcement in a government newspaper;
- (d) proof of use in the Myanmar market;
- (e) proof of advertisement in the context of a marketing or sales promotion;
- (f) tax receipt or other receipt for expenses;
- (g) if the applicant is not the same as the trademark owner registered at the Deeds Registration Office, proof of transfer of ownership or name change; and
- (h) any other documents as may be required by the Intellectual Property Department of MOC.

Contacts



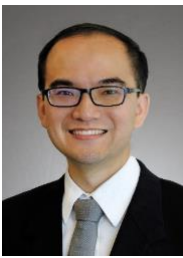
Dr Min Thein
Managing Partner

D +959 7304 0763
F +951 9345 348
min.thein@rajahtann.com



Chester Toh
Director

D +65 6232 0220
F +65 6428 2208
chester.toh@rajahtann.com



Lester Chua
Partner

D +959 979 524 285
F +951 9345 348
lester.chua@rajahtann.com



U Kyaw Swa Myint
Partner

D +959 7304 0763
F +951 9345 348
kyaw.yint@rajahtann.com



Alroy Chan
Partner

D +65 6232 0481
alroy.chan@rajahtann.com

Our Regional Contacts

RAJAH & TANN | *Singapore*

Rajah & Tann Singapore LLP

T +65 6535 3600
sg.rajahtannasia.com

R&T SOK & HENG | *Cambodia*

R&T Sok & Heng Law Office

T +855 23 963 112 / 113
F +855 23 963 116
kh.rajahtannasia.com

RAJAH & TANN 立杰上海

SHANGHAI REPRESENTATIVE OFFICE | *China*

**Rajah & Tann Singapore LLP
Shanghai Representative Office**

T +86 21 6120 8818
F +86 21 6120 8820
cn.rajahtannasia.com

ASSEGAF HAMZAH & PARTNERS | *Indonesia*

Assegaf Hamzah & Partners

Jakarta Office

T +62 21 2555 7800
F +62 21 2555 7899

Surabaya Office

T +62 31 5116 4550
F +62 31 5116 4560
www.ahp.co.id

RAJAH & TANN | *Lao PDR*

Rajah & Tann (Laos) Co., Ltd.

T +856 21 454 239
F +856 21 285 261
la.rajahtannasia.com

CHRISTOPHER & LEE ONG | *Malaysia*

Christopher & Lee Ong

T +60 3 2273 1919
F +60 3 2273 8310
www.christopherleeong.com

RAJAH & TANN | *Myanmar*

Rajah & Tann Myanmar Company Limited

T +95 1 9345 343 / +95 1 9345 346
F +95 1 9345 348
mm.rajahtannasia.com

GATMAYTAN YAP PATACSIL

GUTIERREZ & PROTACIO (C&G LAW) | *Philippines*

Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law)

T +632 8894 0377 to 79 / +632 8894 4931 to 32
F +632 8552 1977 to 78
www.cagatlaw.com

RAJAH & TANN | *Thailand*

R&T Asia (Thailand) Limited

T +66 2 656 1991
F +66 2 656 0833
th.rajahtannasia.com

RAJAH & TANN LCT LAWYERS | *Vietnam*

Rajah & Tann LCT Lawyers

Ho Chi Minh City Office

T +84 28 3821 2382 / +84 28 3821 2673
F +84 28 3520 8206

Hanoi Office

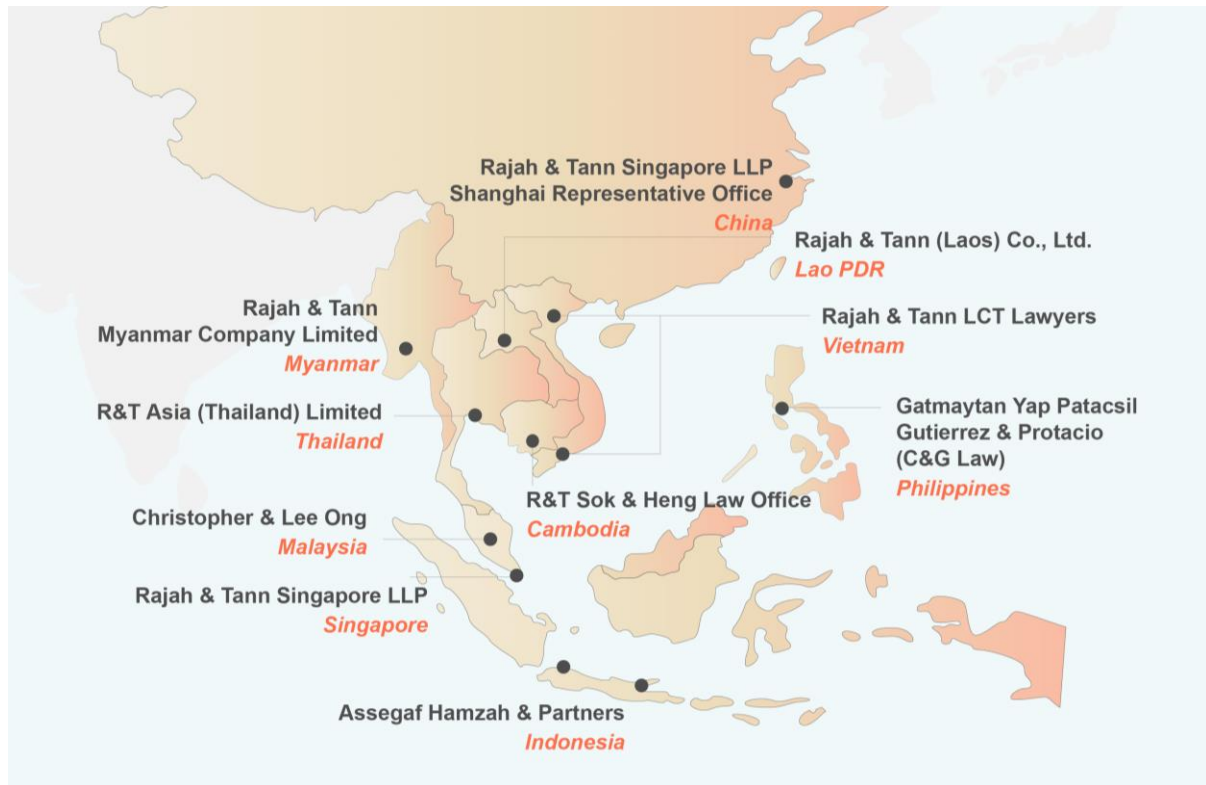
T +84 24 3267 6127
F +84 24 3267 6128
www.rajahtannlct.com

Rajah & Tann Asia is a network of legal practices based in Asia.

Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

This update is solely intended to provide general information and does not provide any advice or create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on this update.

Our Regional Presence



Rajah & Tann Myanmar Company Limited has a multi-faceted talent pool of lawyers in a range of practice areas who are able to provide end-to-end legal services in Myanmar. Given this, we are positioned to provide you with sound and practical legal advice from the inception of investments and acquisitions in Myanmar, to business operations during the life of the projects, managing disputes and enforcement of rights and claims.

Rajah & Tann Myanmar Company Limited is part of Rajah & Tann Asia, a network of local law firms in Singapore, Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Vietnam. Our Asian network also includes regional desks focused on Brunei, Japan and South Asia.

The contents of this Update are owned by Rajah & Tann Myanmar Company Limited and subject to copyright protection under the laws of Myanmar and, through international treaties, other countries. No part of this Update may be reproduced, licensed, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of Rajah & Tann Myanmar Company Limited.

Please note also that whilst the information in this Update is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as such information may not suit your specific business and operational requirements. It is to your advantage to seek legal advice for your specific situation. In this regard, you may call the lawyer you normally deal with in Rajah & Tann Myanmar Company Limited.