

MYANMAR: NEW TRADE MARK REGISTRATION SYSTEM

Soft Opening scheduled for launch from 1 October 2020

The Ministry of Commerce in Myanmar has issued a notification dated 28 August 2020, announcing the launch of the much-anticipated Soft Opening Period for the new trade mark registration system on 1 October 2020.

During the Soft Opening Period, which is expected to last for 6 months from 1 October 2020, the following trade marks are eligible for filing in Myanmar:

1. Trade marks which have already been registered with the Office of Registration of Deeds (“ORD”); and
2. Trade marks which have not been registered with the ORD, but which are actually in use in Myanmar

(A) Trade Marks Already Registered with the ORD

Trade mark owners who have already registered their trade marks with the ORD and wish to maintain trade mark protection in Myanmar can re-register their trade marks during the Soft Opening Period. The following documents are required:

- Copy of Registered Trademark Declaration issued by the ORD;
- Copy of Trademark Cautionary Notice (if available);
- Clear specimen of the proposed mark in .jpg format;
- Owner’s name and address (which should match the details recorded with the ORD, otherwise evidence of changes of ownership, name and/or address will be required);
- Classes and list of goods and/or services (identical to those already recorded with the ORD);
- Claim of colours of the mark, if any; and
- Mark translation/transliteration.

Although not mandatory, evidence of use (including first date of use in Myanmar) may also be lodged at the time of re-filing in order to establish seniority rights over other potential conflicting marks.

(B) Trade Marks Not Registered with the ORD but In Use in Myanmar

Trade mark owners who are currently using unregistered trade marks in Myanmar can also file for registration of their trade marks during the Soft Opening Period. The following documents and information will be required:

- Clear specimen of the proposed mark in .jpg format;



- Owner's name and address;
- Classes and list of goods and/or services, which must be those on which the mark is actually used in Myanmar;
- Claim of colours of the mark, if any;
- Mark translation/transliteration; and
- Evidence of use of the mark in Myanmar, such as:
 - a. Actual evidence of use on the market in Myanmar;
 - b. Marketing advertisements;
 - c. Tax receipts or expense vouchers;
 - d. First date of use in Myanmar.

(C) Trade Marks Neither Registered nor In Use in Myanmar

For trade mark owners who have no existing registrations with the ORD and have not used their trade marks in Myanmar yet, we would recommend filing the trade marks with the ORD **as soon as possible** to obtain eligibility for re-filing during the Soft Opening Period.

The cut-off date to register new trade marks with the ORD has not been issued yet, but we advise doing so as soon as possible and preferably before the Soft Opening Period commences on 1 October 2020. If these marks are not registered with the ORD before the cut-off date, they can only be filed after the Soft Opening Period is over.

Please note that the above information is based on latest updates, but is subject to change as implementation progresses. Pertinently, movement restrictions have been in place in Myanmar since 10 September 2020 due to an outbreak of Covid-19 cases, and it is not clear when restrictions will be lifted or how this will impact the implementation of the Soft Opening Period.

As the developments in Myanmar are fast-moving, if you wish to obtain trade mark protection in Myanmar, do get in touch with us as soon as possible for the latest developments and advice.

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