

## To Re-file or Not to Re-file, That Is Not a Question

### Myanmar Trademark Law 2019 (“MTL”)

The MTL establishes a new trademark registration system in line with international standards and practices which will come into force when the President of Myanmar publishes an announcement to that effect (expected within Q1 of 2020) replacing the current system of Declaration of Trademark Ownerships (“**DTO**”) registration and Cautionary Notices (“**CN**”) publication in newspapers.

Trademark registration under the MTL will be administered by the Myanmar Intellectual Property Office (“**MIPO**”) of the Ministry of Commerce. The MIPO will announce a six-month “Soft Opening Period” (“**SOP**”) for owners of the currently registered trademarks to re-file them. Any trademark registered under a DTO must be re-filed. Otherwise it will not be recognized and protected under the MTL.

### Re-filing Requirements and Examination

- (1) a notarized PoA (in the official form to be announced by the MIPO) showing the name, full address, telephone number and email address of applicant;
- (2) the original registered DTO (or its scanned or certified copy if its original is missing);
- (3) the original of the published CN (or its copy if its original is missing);
- (4) a specimen of the mark in a ‘jpg’ format; and
- (5) the specifications of goods and services.

Official fees will be payable at the rates to be announced by the MIPO.

Re-filed applications are subject to the examination and opposition process under the MTL and the trademark rules to be announced by the Ministry of Commerce pursuant to the MTL. The MIPO may not commence examination of the re-filed applications until after the end of the SOP.

An application for a new trademark cannot be filed during the SOP.



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