

Update on Implementation of the Myanmar Trademark Law 2019 (“MTL2019”)

This document gives a summary of the major activities carried out as of July 2020 for implementation of the MTL2019.

1. The Central Committee of Intellectual Property (“**CCIP**”) has been established on 6th March 2020. The office of the CCIP is located in NayPyiTaw. Its powers and duties include creating policies, strategies and projects related to IP rights and supervising and directing their implementations, coordinating with local and international organizations in relation to intellectual property matters, and carrying out other functions and duties to be designated for the CCIP in the future by the Union Government.
2. The CCIP will soon establish the Intellectual Property Agency (“**IPA**”) under the TML 2019 to implement the trademark policies and strategies created by the CCIP, review and decide the appeals filed against decisions of the Trademark Registrars under the MTLA2019 and perform several other functions in relation to the intellectual property laws.
3. The Intellectual Property Department (“**IPD**”) has drafted the Trademark Rules (“**TR**”) and distributed it to local and international law firms for their comments in July 2020. The major provisions of the TR are the rules on filing trademark applications, examination and publication of trademark applications, oppositions, recordal of amendments to trademark registrations, renewal of trademark registrations, recordal of assignments and licenses, cancellation of trademark licenses, invalidation and cancellation of trademark registrations, appeals against decisions of the registrar, etc.
4. The IPD is under the Ministry of Commerce (“**MOC**”). The MOC is in charge of implementation and enforcement of the MTL2019 and other IP laws. The MOC will hold a stakeholders consultation meeting on the TR in August 2020.
5. The IPD prepared drafts of the official forms of the trademark application and the power of attorney for each foreign applicant to appoint a local trademark attorney / representative in January 2020. The drafts of the forms have been commented by the MIPPA (Myanmar Intellectual Property Proprietors Association) and trademark attorneys. They are pending the final approval of the CCIP and the IPA.
6. The “soft opening period” of 6 months starting from the first day on which the IPD will receive applications for re-registration of the currently registered trademarks has been discussed with parties concerned but has not yet been determined.



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