

## The “Soft Opening” Announced to Start on 1st October 2020 for Re-filing of Registered Trademarks and Filing of Used Trademarks

On 28<sup>th</sup> August 2020, the Ministry of Commerce of Myanmar (“MOC”) issued Order No. 63/2020 to announce the Soft Opening for owners of registered trademarks and used but non-registered trademarks to file their trademarks under the Myanmar Trademark Law 2019 (“MTL2019”) starting from 1<sup>st</sup> October 2020. The key points of the Order are summarized below.

1. Owners of trademarks already registered with the Registry Office under the old law can refile their registered trademarks starting from 1<sup>st</sup> October 2020 for the registered trademarks to be recognized under the MTL2019. Owners of trademarks used in Myanmar can also file their used trademarks with evidence of use during the Soft Opening Period (“SOP”). The end of the SOP is not stated in the Order while the SOP is expected to last for 6 months or longer.
2. The re-filing date of a registered mark and the filing date of a used mark will be the same as the effective date of the MTL2019 to be announced later.
3. The re-filing / filing can be made online by a non-Myanmar owner through a recognized Myanmar law firm as the local representative. A Myanmar owner can file the application in person or online without a local representative.
4. The major re-filing requirements for a registered mark are a specimen of the mark, a list of goods/services with the Nice classification (they must be the same as those under the registered DTO), a copy of the registered DTO, a copy of the published CN, evidence of trademark assignment or owner name change if the name of the owner under the DTO and the name under the re-filing application are not the same, a notarized power of attorney (in the official POA form to be announced by the MOC before 1<sup>st</sup> October 2020) if the owner is not a Myanmar national.
5. The major requirements for filing a used but non-registered mark during the SOP are a specimen of the mark, a list of goods/services and evidence of its use in Myanmar (such as copies of invoices/tax invoices and receipts for sales of goods/services), evidence of advertisements of the used mark, and a notarized power of attorney in the official POA form if the applicant is not a Myanmar national.

This Order is not for filing a new non-registered / non-used trademark. The MOC will announce the official fee rates under a separate order before the effective date of the TML2019.

Registration of trademarks with the Registry Office under the old law can still be filed during the SOP.



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