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Latest Developments on the Myanmar Trademark Law

During the discussion panel held by the Myanmar Intellectual Property Department (“MIPD”) on 9 March 2023 regarding the status of Myanmar’s transition into the new IP framework, the MIPD shared that the 2019 Myanmar Trademark Law (the “**Trademark Law**”) will officially come into effect on **1 April 2023**, provided that there are no significant changes in plans. The MIPD mentioned that this would not be the grand-opening date, but rather the date on which the trademark law will come into effect. As outlined in Section 1(B) of the Trademark Law, the law shall come into effect on the date prescribed through a notification.

According to the current roadmap, the MIPD will subsequently announce **phase-two** of the soft-opening period of the Trademark Law (the current ongoing soft-opening period is **phase-one**) with a separate notification, after the law has come into effect. During **phase-two**, the MIPD will accept the registration of old trademarks. Note that Type 1 (trademarks that have been registered at the Office of the Registrar of Deeds and Assurances (“**ORD**”) and Type 2 (trademarks that are used in the Myanmar market before the Trademark Law comes into force) are considered old trademarks. Trademarks registered with the ORD or used in the market after the law is in effect (i.e. after 1 April 2023) will not be considered old trademarks, therefore, they will not be eligible for application during **phase-two**. According to the MIPD, detailed rules and regulations regarding the Trademark Law are expected to be released by the end of March 2023.

During **phase-two**, payment of official fees for trademark registration applications submitted within **phase-one** can likewise be made. Eligible trademark owners who wish to file applications in **phase-two** may apply on their own through the reception counters of the MIPD, and/or through law firms, companies, or enterprises permitted by the MIPD. The reception counters for Yangon will be located at No. 228/240, Strand Road, Pabedan Township, Yangon. **Phase-one** and **phase-two** comprise the soft-opening period, and a trademark application filed during these two phases will have day-one of the grand-opening as **the filing date**, if the set fee has been paid, and the required particulars mentioned in such application have been completed.

As clarified by the MIPD at the discussion panel, the MIPD will begin **phase-three** with the grand-opening, following the successful conclusion of **phase-two**. When the grand-opening commences, the MIPD will continue to accept applications for old trademarks for a limited period as well as applications for new trademarks. After the conclusion of **phase-three**, the MIPD will commence **phase-four** during which the MIPD will only accept applications for new trademarks.



About Kelvin Chia Yangon (KCY)

KCY has been in active operation in Myanmar since 1995, currently with offices in Yangon and Mandalay. KCY is the firm of choice for those seeking to navigate Myanmar's fast-changing and complex regulatory landscape, a jurisdiction in which KCY has gained in-depth legal expertise from the numerous transactions it has handled.

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