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Myanmar Launches Industrial Design Registration System

On 31 January 2024, the Ministry of Commerce (MOC) announced that applications for industrial design can now be submitted to the Intellectual Property Department (IPD) from 1 February 2024, in accordance with the Industrial Design Law and Rules.

Although the Industrial Design Law was enacted in 30 January 2019, it came into effect only on 31 October 2023 following the release of the implementing Rules on 29 September 2023. Prior to this legal framework, it was not possible to register industrial design rights in Myanmar. Now creators will be able to register their industrial designs and fully benefit from the safeguards provided under the Industrial Design Law.

According to the Industrial Design Law, the creator of any industrial design or his legal successor in title or legal transferee is eligible to file the registration for industrial design. The novelty criteria provided in the Industrial Design Law is that the industrial design must be new and independently created in order to be eligible for protection – that is to say it must not have been disclosed to the public within Myanmar or abroad by writing, using, publishing, displaying or any other means prior to the application, it must significantly differ from other known designs, and it must not be a combination of known design features.

Under the Industrial Design Law, the applicant may also enjoy the right of priority of six months where the application has been duly filed in a state that is a party to the Paris Convention or the agreement establishing the World Trade Organization (WTO). This right of priority may also be claimed if the design has been exhibited at an official or officially recognized international exhibition held in a member state of the Paris Convention or WTO within a period of 6 months.

The term of registration for industrial design will be five (5) years from the application date, renewable for two (2) additional terms of five (5) years each. As such, the maximum registered term for an industrial design would be fifteen (15) years in total.

As a related development, the Union Supreme Court has issued a series of notifications outlining the procedures for handling copyright and industrial design cases. These notifications, specifically No. 973/2023 and No. 960/2023, which were issued on October 27, 2023, provide guidance on how cases related to these laws should be adjudicated. Notably, there are no special intellectual property courts established. Instead, the authority to adjudicate these matters is conferred to the District Courts (including those in Self-Administered Divisions and

Zones) for initial proceedings. In cases of appeals or revisions, the Region and State High Courts have jurisdiction for further adjudication.

Although application forms for industrial design registration are now accessible through the Intellectual Property Department's website (<https://ipd.gov.mm/>), the application forms for copyright registration are still pending release by the MOC. We will continue to provide updates on these exciting developments in Myanmar's IP regime through our newsletters as further details are unveiled.

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 Supervisory landscape, a jurisdiction in which KCY has gained in-depth legal expertise from the numerous transactions it has handled.

Our main practice areas

Foreign Investments | Incorporation and Company Maintenance | General Corporate and Commercial | Due Diligence | Mergers and Acquisitions | Joint Ventures and Production Sharing Agreements | Investment Funds | Energy/Oil and Gas | Natural Resources/Mining | Banking | Project and Project Financing | Manufacturing | Education | Agriculture | Real Estate | Infrastructure | Construction | Telecommunications | Compliance / Supervisory | Licensing and Permits | Labour and Employment | Immigration | Taxation | Insurance | International Arbitration | Intellectual Property | Special Economic Zones

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