

Myanmar's trade mark registry to start receiving applications on 1 October 2020

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Myanmar's Ministry of Commerce has recently announced that, from **1 October 2020**, it will start to accept trade mark applications from proprietors of trademarks which have been registered at Office of the Registration of Deeds, or which have actually been used in Myanmar.

This "soft opening" of Myanmar's Trade Marks Registry is intended to aid the transition from the current first-to-use Deed registration system to a first-to-file system under the new trade mark law. All applications submitted during the "soft opening" period will be taken to have been filed on the first day that the Myanmar Trade Mark Register is officially launched. Although the "soft opening" period was previously indicated to be six (6) months, the latest announcement makes no mention of how long the "soft opening" will last.

While some information such as the official fees and agent authorisation form have yet to be released, brand owners, who are interested in protecting their trade marks in Myanmar, can prepare a Certified True Copy of the Declaration of Ownership registered with the Office of Registration of Deeds and a copy of the cautionary notice(s) published in Myanmar for filing. The details of the trade mark application, including the representation of the mark, class and proprietor details, will have to mirror that in the registered Declaration of Ownership relied upon by the proprietor.

In the event that a proprietor does not have a registered Declaration of Ownership, but has used his trade mark in Myanmar, a trade mark application can also be filed during the "soft opening" period if supporting evidence of such prior use is submitted.

Given the anticipated flood of trade mark applications, it would be prudent for trade mark proprietors to utilize the "soft opening" to secure the earliest filing date. Those who do not have the requisite documents and/or evidence of use in Myanmar to file during this period will need to wait until the official launch of the Trade Mark Register before submitting their trade mark application.

Upon the official launch of the Myanmar Trade Mark Register, brand owners should also monitor the trade mark applications published so as to identify and oppose conflicting marks which are identical or similar to theirs.

For more information and assistance on the above, please feel free to contact us.

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