



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

NEWSLETTER 68 - 13th November 2019

Dear Readers,

Welcome to a new edition of our newsletter.

1. New trademark registration system to be partially launched in mid-December

This is not official yet, but it appears that the IP Department of the Ministry of Commerce - newly set up according to the Trademark Law (Pyidaungsu Hluttaw Law No. 3/2019 dated 30th January 2019) and the other three new IP laws - intends to (partially) launch its new online trademark filing system in mid-December 2019.

The intention seems to be that for a transition period of six months, only trademarks for which declarations of ownership are recorded under the current system may be (re-) registered under the new system, with the new system being opened to new trademarks after the transition period.

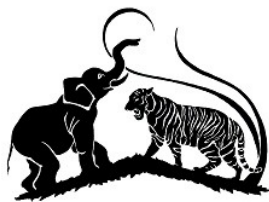
Currently, trademarks in Myanmar are registered by a somewhat archaic method according to which a declaration of ownership is recorded with the Registration of Deeds Office (under the Ministry of Agriculture, Livestock and Irrigation) in Yangon. The Registration of Deeds Office is set to lose its registration functions for trademarks to the new IP Department of the Ministry of Commerce. However, the officers of the Registration of Deeds Office do not seem to have been notified yet of the date by which they should stop accepting applications under the current system.

Those who want to protect their trademarks in Myanmar, but haven't filed declarations of ownership yet should therefore hurry up filing. Otherwise, they may fall into a gap during the transition period as the Registration of Deeds Office may no longer, and the new IP Department may not yet, accept their applications.

Trademarks recorded under the current system will enjoy a priority right if they are re-registered during the transition period and are in actual use in the Union.

The IP Department intends to hold seminars and issue procedures in due course to explain and implement the new filing system. Those interested should leave their contact details with the Department.

Concerning the re-registration of existing trademarks, we are being told that applicants should prepare the documents and information that are provided for in section 17 Trademark Law, i.e. in particular name, address and corporate information of the applicant; name, address and



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N.R.C. no. of its representative (if any); clear sample of the trademark; names and class of the goods or services according to international classification; proof of previous registration with the Registration of Deeds Office (i.e. a copy of the declaration of ownership with the Office's seal); proof that there is a priority right (we suppose that this would mean proof of actual use in the Union).

A competitor strongly recommends updating information on file with the Registration of Deeds Office (e.g., new address of the trademark's owner) now. This is certainly good advice, but we suppose that in most cases it will be also fine if this is done online after the end of the transition period.

2. Seminar invitation: IP protection in Myanmar

We had to cancel this seminar in October due to the speaker having fallen ill and will have it on 10th December instead.

Obviously, we will dedicate a considerable portion to the new registration system (to the extent that more detailed information is available until then) and the protection of trademarks under the new Trademark Law.

On a more general note, we will look at how the intellectual property embodied in many goods and services (e.g., fashion design, shapes and forms of goods, books, films, music, handicraft, computer programs, data bases) can be protected in Myanmar, both under the existing framework and under the four new IP laws that may enter into force in 2020. We will discuss pre-emptive measures to avoid future infringements and legal remedies to stop existing infringements. We will also look at the defences available to those who are unjustly accused of having violated the IP rights of others.

Date and time	Tuesday, 10 th December 2019, 2:30pm - 4:00pm
Place	Rose Garden Hotel, 171 Upper Pansodan Road, Yangon
Speakers	<ul style="list-style-type: none">▪ Sebastian Pawlita▪ U Nyein Chan Zaw
Language	English
Entrance fee	Ks. 15,000 per person, payable at the reception desk
Registration	Please register by sending an e-mail to sebastian@lincolnmyanmar.com or nyeinchanzaw@lincolnmyanmar.com , stating the name of your company and the names of the participants.



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Suggesting a topic	If you wish us to discuss a particular topic at the seminar (e.g., “Can we protect the famous cooking recipes used in our restaurant chain?”), please do not hesitate to include this in your registration e-mail; we will be happy to amend the agenda.
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3. Sponsorship

We are proud to have sponsored a balloon at this year’s Tazaungdaing Balloon Festival in Taunggyi!

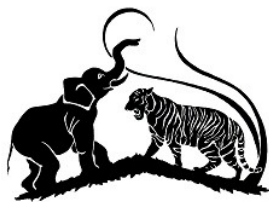


4. New import license fees

The Ministry of Commerce set new import license fees (Notification 60/2019 dated 10th October 2019); the new fees will apply from 10th December 2019. An English translation of the Notification with the new fees can be found on our homepage: <https://tinyurl.com/up5x8qo>

5. Vehicle import

The Motor Vehicle Import Supervisory Committee set the permissible manufacturing years of cars and other vehicles which may be imported in 2020 (Notification 60/2019 dated 31st October



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2010). An English translation of the Notification can be found on our homepage:
<https://tinyurl.com/uoyy8d9>

6. Electricity and energy news

- (a) Notification of the President's Office requires disclosure of beneficial ownership in the extractive industries: <https://tinyurl.com/slx4n55>
- (b) Deal signed to purchase power from Kyaukphyu power plant project: <https://tinyurl.com/wu8tzt4>
- (c) Drilling of new wells in Shwe gas field project to start early 2020: <https://tinyurl.com/u8uf46p>
- (d) Aviation fuel market to become finally more competitive: <https://tinyurl.com/wh8kvvb>
- (e) Hydropower plant operations to be more closely regulated as water levels are low due to less rainfall: <https://tinyurl.com/t9kq4eg>
- (f) Work on new Zawtika gas pipeline to begin only next year: <https://tinyurl.com/rrl8dxm>

7. Market access and other news

- (a) DICA explains what happens if default is made in filing the annual return: <https://tinyurl.com/srm2pfv>
- (b) Race for Myanmar's auto market heats up as Toyota builds factory: <https://tinyurl.com/rczppp>
- (c) "Land bank" (database of land available for investment) to be established: <https://tinyurl.com/wt688u5>
- (d) Yangon orders spa in Secretariat Building closed: <https://tinyurl.com/v5oepvk>

We hope that you have enjoyed reading our newsletter and found it useful.

Sebastian Pawlita
Managing Director

Nyein Chan Zaw
Director



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About Lincoln Legal Services (Myanmar) Limited

Lincoln Legal Services (Myanmar) Limited provides the full range of legal and tax advisory and compliance work required by investors. We pride ourselves in offering result-oriented work, high dependability and a fast response time at very competitive prices. Please do not hesitate to contact us:

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