



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Government of the Republic of the Union of Myanmar

Ministry of Commerce

Order No. 63/2020

10th Waning Day of Wa Khaung, 1382

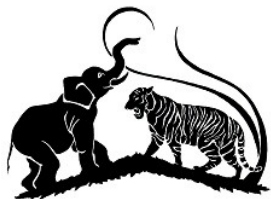
(28th August 2020)

This order is hereby issued for trademark owners referred to in section 93 sub-section (a) Trademark Law with the objective of implementing a smooth transition from the first-to-use system to the first-to-file system.

Order for the filing of applications to register in accordance with the Trademark Law

1. “Trademark owners referred to in section 93 sub-section (a) Trademark Law” means a trademark owner who registered at the Registration of Deeds Office before the Trademark Law entered into force and the owner of a trademark that is not registered but used in the market of the Union.
2. Trademark owners referred to in paragraph 1 desirous of obtaining a priority right according to section 93 sub-section (b) Trademark Law shall apply for registration starting from 1st October 2020 prior to the Registration Officer officially starting to accept applications for registration. If the application for registration is filed within this period, the applicable fee is paid and the basic requirements are met, the date on which the application is officially accepted will be considered to be the filing date.
3.
 - (a) At first, the trademark owner may apply for the registration of trademarks (only) through service provider companies and law firms electronically as specified by the Department of Consumer Affairs.
 - (b) Later, the trademark owner may apply electronically as specified by the Department of Consumer Affairs also himself or through the persons specified above.
 - (c) The trademark owner applying according to paragraph (b) shall have the same rights as trademark owners applying according to paragraph (a) with regard to the priority right specified in section 93 sub-section (b) Trademark Law and the filing date prescribed in paragraph 3 [should be paragraph “2”].
4. When filing the application, the trademark for which the application is filed shall be the same as the trademark registered at the Registration of Deeds Office or the trademark that is being used in the market of the Union. Furthermore, the goods or the services that the trademark is being used for shall also be the same. It shall not be possible to expand goods or service types.

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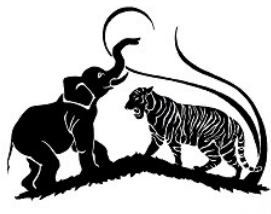


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5. When describing the goods or service classes, the classes of goods or services shall be described in detail according to the Nice Classification.
6. The fee payable for the registration of trademarks and the method of payment shall be announced prior to the issuance of the notification putting the Trademark Law into force.
7. Any of the following items may used as proof that the trademark is registered at the Registration of Deeds Office or that the trademark is being used in the market of the Union or that the trademark has been exclusively used until now -
 - (a) the trademark as registered at the Registration of Deeds Office;
 - (b) the registration certificate from the Registration of Deeds Office (true copy);
 - (c) proof of an announcement to the public in a newspaper or in other ways;
 - (d) proof of use in the market of the Union;
 - (e) proof of advertisement in a marketing or sales promotion context;
 - (f) tax receipt or other receipt for expenses;
 - (g) if the applicant is not the same as the trademark owner registered at the Registration of Deeds Office, proof of transfer of ownership or name change;
 - (h) other types of proof.
8. If a trademark owner not falling within the category of section 93 sub-section (a) of the Trademark Law wishes to obtain trademark rights in Myanmar, he may file a trademark registration application after the Trademark Law has entered into force and applications are officially accepted.

(Signature)
Dr. Than Myint
Union Minister
Ministry of Commerce

[Letter number, date and distribution list: Omitted]



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

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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