



**Dear Readers,**

Welcome to a new edition of our newsletter.

### **1. Thailand: Business set-up/relocation**

Businesses and individuals from Myanmar wishing to

- **set up a business in Thailand,**
- **relocate,**
- **invest,**
- **purchase or rent real estate,**
- **obtain a visa,**
- **open a bank account,**

or otherwise have an interest in the country and require assistance may wish to contact us at [info@lincolnmyanmar.com](mailto:info@lincolnmyanmar.com).

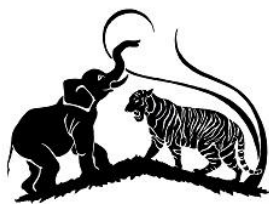
### **2. Overseas employment**

The SAC's Ministry of Labour seems to have made it somewhat easier to obtain an **overseas employment agency license** ([English translation](#) of the announcement, published on the Ministry's homepage on 4<sup>th</sup> August 2022).

(Local) companies wishing to apply for a license must in particular have a **managing director who (i) owns immovable property** worth at least **MMK 100 million** (currently approx. USD 33,000) - this hasn't changed -, and (ii) **has a bank account** in his name with at least **MMK 100 million** on it.

Previously, the managing director had to show that MMK 100 million had been sitting on his bank account over a period of 6 months prior to applying for the license. Now, this amount has to be shown when applying for the license and kept in the account for 6 months before it may be used. Furthermore, a bank statement showing savings of at least MMK 100 million has to be submitted each time the license is renewed.

There appears to be **no more need to make a security deposit** of MMK 25 million.



The license is **valid for 2 years**.

Sending workers from Myanmar overseas through official channels involves a very cumbersome bureaucratic process which varies depending on the country of destination. Please contact us if you require assistance in this regard.

### 3. **Forms for online trademark filings published**

Four intellectual property laws were enacted in 2019 to modernise Myanmar's outdated intellectual property protection framework (see our recently updated [primer](#) for a comprehensive overview), but none have been implemented yet due to, well, events.

The newly created IP Department under the Ministry of Commerce started a "**soft opening period**" in October 2020 during which existing trademarks may be uploaded to an **online database**. An "existing trademark" is a trademark whose owner either (i) filed a paper-based application with the Registration of Deeds Office or (ii) is able to prove that the trademark is in use in Myanmar through documents showing a date such as newspaper advertisements.

The soft opening period was expected to end in March or April 2021, but is still ongoing. However, on 1<sup>st</sup> July 2022, the IP Department published **19 forms for trademark filings** which might **suggest that the soft opening period is drawing to a close**. The forms are bilingual and can be [accessed on the IP Department's homepage](#).

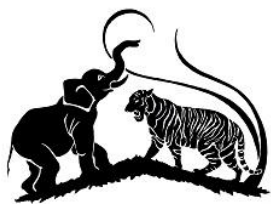
Trademark owners who **have not registered a declaration of ownership** with the Registration of Deeds Office yet **should now do so** and, once the Registration of Deeds Office has issued the registration certificate, have it **uploaded** by an IP practitioner **to the online database**.

Trademark owners with a registered declaration of ownership (or proof that the trademark is in use in Myanmar) should likewise have their paperwork uploaded by an IP practitioner to the online database.

### 4. **Foreigners no longer allowed to export pulses, corn and sesame**

Ministry of Commerce Notification 24/2019 originally allowed 100% foreign-invested companies and joint ventures to export the following categories of goods:

Sr.	Category of goods	Requirements
1	Meat and fish	Approval from the Livestock and Veterinary Department and Fisheries Department



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Sr.	Category of goods	Requirements
2	Various kinds of pulses, corn and sesame as powder, modified for consumption, or processed	Approval from the Food and Drug Administration and other relevant departments
	Rice and broken rice	USD 3 million minimum investment contributed by bank transfer from abroad; warehouse; Myanmar Rice Federation membership
3	Pulp and paper	To comply with applicable rules and regulations
4	Seeds	To comply with the Seed Law
5	Refined ore	Approval from the Mines Department
6	Semi-finished and finished fruit products	License from the relevant department according to the Food Law
7	Wood furniture	Approval from the Forest Department

Import/Export Newsletter 8/2022 dated 27<sup>th</sup> July 2022 ([English translation](#)) now revokes a previous set of requirements that pulses, corn and sesame had to fulfill for them to be allowed to be exported by foreigners, meaning that 100% foreign-invested companies and foreign/local joint ventures may no longer export these goods.

### 5. Central Bank

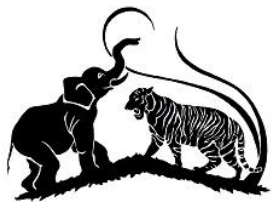
The Central Bank (“CBM”) recently set the official USD/MMK exchange rate at 1:2,100 (from 1:1,850); the market rate is currently approx. 1:3,000.

Furthermore, the CBM set a [forex trading band](#) of  $\pm 0.3\%$  of the CBM reference rate.

It furthermore allowed [exporters to retain 35% of their export earnings in foreign currency](#) for their own use or for sale to a third party at the market rate within 30 days; any balance left has to be sold to a bank at the CBM rate.

Additionally, the CBM allowed exempted companies (such as companies with an MIC permit) and individuals to [use their forex earnings at will](#), provided that they may only remit them abroad with the approval of the Foreign Exchange Supervisory Committee.

Purchasers of forex from exporters or exempted companies must use it within 30 days and sell any unused amount to a bank at the CBM rate.



Lastly, the CBM significantly tightened [know your customer and due diligence requirements for mobile money transactions](#).

### 6. Reshuffling

The SAC reshuffled the CBM's top management on 19<sup>th</sup> August 2022. The governor and one of the two deputy governors "were allowed to retire"; the second deputy governor Daw Than Than Swe (who was shot a few months ago, but recovered) was made governor. U Zaw Myint Naing was appointed deputy governor.

Furthermore, Union ministers in the SAC's cabinet with the following portfolios were exchanged or retired: "Union Government Office (2)"; investment and foreign economic relations; information; energy; immigration and population; commerce; and hotels and tourism.

U Aung Naing Oo switched from Ministry of Investment and Foreign Economic Relations to Ministry of Commerce; the former ministry is now headed by Dr. Kan Zaw, previously the SAC's Union Auditor General and, in the Thein Sein government, head of the Ministry of National Planning and Economic Development.

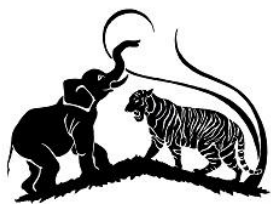
### 7. Tax compliance checklist

In another installment of our checklist series, here is the [tax compliance checklist](#).

We hope that you have found this information 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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