

Dear Readers,

Welcome to a new edition of our newsletter.

1. SAC issues Union Taxation Law 2023

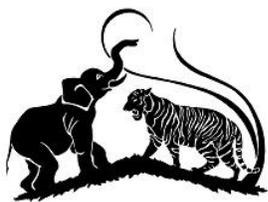
The SAC issued the Union Taxation Law 2023 ([English translation](#)) on 30 March 2023. This is an annual law that sets tax rates and other elements for specific goods tax, commercial tax, income tax and gemstone tax. The current law applies to the 2023-2024 financial year (1 April 2023 to 31 March 2024). The changes in comparison to the previous financial year are as follows:

- The brackets and the specific goods tax rates for liquor were changed as follows:

Price bracket	Old tax rate	New tax rate
MMK 200 - MMK 1,200 per litre	MMK 190 per litre	MMK 109 per litre
MMK 1,201 - MMK 1,400 per litre	MMK 500 per litre	
MMK 1,401 - MMK 15,400 per litre	From MMK 500 to MMK 4,610 per litre	From MMK 550 to MMK 4,092 per litre
MMK 15,401 to MMK 19,850 per litre	60% of the litre price	From MMK 4,092 to MMK 5,070 per litre
More than MMK 19,850 per litre		60% of the litre price

- The following goods and services are newly exempt from commercial tax:

Goods or services	Old CT rate	New CT rate
PV module / solar module / PV panel / solar panel / solar panel 92 watt CIGS (copper indium gallium selenide); PV / solar (hybrid / smart array) controller, charge controller for PV /solar; PV / solar Inverter (string / hybrid / battery / bidirectional / central; home installation models (roof and ground mounted) [PV / solar mounted structure, solar / PV mounted frames, solar PV mounted kits (roof and ground mounted); PV / Solar mounted system (floating); PV / solar controller and battery box) (Only for importing together with PV / Solar controller and battery)	5%	Exempt



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

NEWSLETTER 106 - 10 April 2023

Goods or services	Old CT rate	New CT rate
Battery electric tricycles; battery electric vehicles (BEV), including two-wheelers; their batteries; accessories used exclusively for battery electric vehicles <i>(Note: "Battery electric vehicles (BEV) and their batteries" were already previously exempted with effect from October 2022.)</i>	5%	Exempt
Battery charging services for battery electric vehicles	5%	Exempt

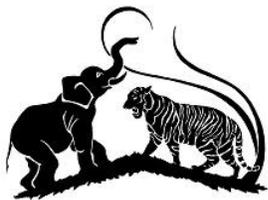
- The annual net income up to MMK 15,000,000 (previously: MMK 10,000,000) of newly established micro-, small- and medium-sized businesses based on local production, home industries, or small-scale industries is exempted from income tax for three consecutive years, including the year in which the business started.
- Uncut diamonds and emeralds are now subject to a gemstone tax of 9% on the sales price or deemed sales price; cut diamonds and emeralds and finished jewellery made from them to 5%. Previously, these items were exempt from gemstone tax.

2. Implementation of the Trademark Law 2019

(a) Date and deadline announced

On 5 April 2023, the Intellectual Property Department sent around useful information to WIPO File account holders, among it an announcement ([English translation](#)) that sets a date and a deadline:

- The grand opening date is set for **26 April 2023**. From this date on, owners of new trademarks (i.e., those for which they cannot prove registration of a declaration of ownership or actual use in Myanmar before 1 April 2023) may file applications for mark registration.
- Owners of old trademarks who had copies of a registered declaration of ownership and/or proof of actual use uploaded to the WIPO File before 3 April 2023 have to pay the application fee (MMK 150,000 per class) and submit the appointment of representative form ("TM-2") **until 31 May 2023**.



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

NEWSLETTER 106 - 10 April 2023

We have contacted our clients for whom we made these filings before 3 April 2023; please get in touch if you think that you have been left out...

- The announcement is silent on what owners of old trademarks should do if they have not filed an application for (re-) registration yet. Our best guess is that they should file before 26 April 2023.

(b) Trademark-related court procedures

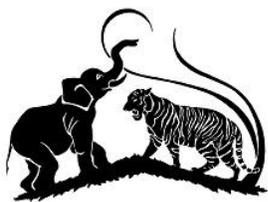
When the Supreme Court announced on 24 March 2023 which courts were competent to hear trademark cases from 1 April 2023 (see our [previous newsletter](#)), it also issued “procedures for adjudicating suits under the Trademark Law” ([English translation](#)). Infringement-related claims were fairly commonly heard by the Myanmar courts previously; it is hoped that this Supreme Court notification will help with a smooth transition.

We hope that you have found this information useful.

Happy Thingyan!

Sebastian Pawlita
Managing Director

Nyein Chan Zaw
Director



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

NEWSLETTER 106 - 10 April 2023

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:

- Sebastian Pawlita, Managing Director
Phone: +95-9-262546284 (English)
E-Mail: sebastian@lincolnmyanmar.com
- Nyein Chan Zaw, Director
Phone: +95-9-790488268 (Burmese)
E-Mail: nyeinchanzaw@lincolnmyanmar.com

Office address: La Pyi Wun Plaza, Room 409 (4th Floor), 37 Alan Pya Pagoda Road, Dagon Township, Yangon

Web: www.lincolnmyanmar.com