



Dear Readers,

Welcome to a new edition of our newsletter.

1. Industrial Design Rights Law to come into force on 31 October 2023

State-owned Global New Light of Myanmar today carried a notification according to which the [Industrial Design Rights Law](#) will be in force starting from 31 October 2023.

Industrial Design Registration Rules (please contact us if you wish to receive an English translation, for a fee) have also been published, and prospective registration representatives will undergo training next week.

We therefore expect an online registration system to go live soon, opening the way to the protection of industrial designs for the first time since colonial days.

An industrial design right protects the visual appearance of an industrial or handicraft product against imitation – its novel shape, pattern, decorations, or texture, whether two- or three-dimensional, or stand-alone or in combination. Examples may be as diverse as the shape of the Coca-Cola bottle, a novel shoe design, or a novel pattern on a longyi.

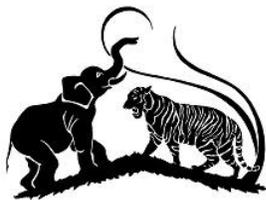
The requirement that the design be “novel” precludes the registration of designs that were disclosed to the public prior to 31 October 2023, and of designs that were disclosed to the public prior to the filing date. Protection of an industrial design therefore requires that it be kept secret until the application for registration is filed.

“Product” refers not only to tangible items, but also to graphic symbols and typographic typefaces. So a Whisky producer may, e.g., create its own typeface and exclusively use it in its advertisements for its whisky. To what extent intangible designs beyond graphic symbols and typographic typefaces (e.g., the graphical user interface of mobile applications, or figures in a computer game) may be protected, as they may be in other countries, is not yet clear.

The period of protection is 5 years which may be renewed twice.

2. Copyright Law to come into force on 31 October 2023

Likewise today, state-owned Global New Light of Myanmar carried a notification according to which the [Copyright Law](#) will be in force starting from 31 October 2023.



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Unlike other intellectual property rights, a copyright comes into existence with the creation of the work and does not require registration. The new Copyright Law provides, however, for a system of voluntary registration to facilitate proof of ownership. When this system will go live is not known at this point.

Starting from 31 October 2023, the following works (among others) will be protected, irrespective of whether they are registered or not:

- Local literary and artistic works (works created by citizens or resident foreigners); and
- foreign literary and artistic works only if they are published in Myanmar within 30 days after their publication elsewhere (as Myanmar is not a member of the Berne Convention).

Section 13 Copyright Law contains a list of literary and artistic works that enjoy protection. The pattern of a longyi mentioned in the first news item above may, e.g., enjoy protection not only as an industrial design (requires registration), but also (without registration) as a work of applied art (section 13(j)). The difference is that in the former case, it is sufficient if the pattern is novel, and in the latter case, it has to embody a certain level of creativity.

Computer programmes are protected as literary and artistic works.

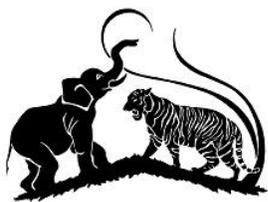
Protected as derivative works are, among others, databases whose author invested creativity to select the entries (as opposed to databases whose author aimed at completeness, such as phone books), and translations.

Generally speaking, a copyrighted work is protected during the lifetime of its author and 50 years after his death. A work of applied art is protected for 25 years from the date of creation.

We hope that you have found this information useful.

Sebastian Pawlita
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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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