



Dear Readers,

Welcome to a new edition of our newsletter.

1. US persons prohibited from providing financial services to Myanma Oil and Gas Enterprise (MOGE)

On 31 October 2023, the US Department of the Treasury's Office of Foreign Assets Control (OFAC) published a new [directive](#) that prohibits "the provision, exportation, or reexportation, directly or indirectly, of financial services to or for the benefit of MOGE or its property or interests in property," starting from 15 December 2023.

In principle, only "US persons" (US citizens or permanent residents; entities incorporated in the US, including a foreign branch; any person in the US) are obliged to comply with this directive. However, one would expect many non-US banks and financial institutions to comply as well, either because they have a branch in the US (which makes them a "US person") or out of apprehension of being accused of evasion, avoidance, or conspiracy to avoid US sanctions.

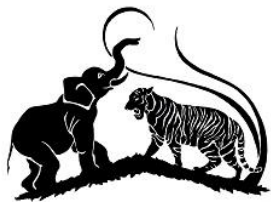
MOGE has not been included in the Specially Designated Nationals and Blocked Persons List (SDN). Goods and services (other than financial services) may therefore still be provided to MOGE from a US sanctions perspective. However, goods, technology and software of US origin or with US components carry a US sanctions compliance risk as the Bureau of Industry and Security of the US Department of Commerce maintains separate lists and programmes.

On the other side of the Atlantic, the current EU sanctions regime makes it illegal for any national of, any company incorporated in, and any person operating from, an EU member state to make available funds or economic resources to MOGE.

Apart from imposing financial sanctions on MOGE, OFAC yesterday included three entities and five individuals in its SDN list.

2. Standard procedures against mobile money fraud

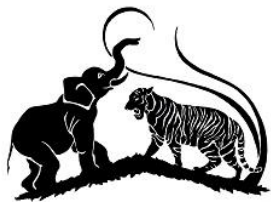
The Myanmar Gazette dated 27 October 2023 carried the following notification of the Central Bank under the State Administration Council ("**SAC**") establishing standard procedures for banks and mobile money service providers to combat fraudulent withdrawals.



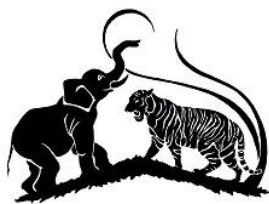
**Republic of the Union of Myanmar
Central Bank of Myanmar
Notification No. 22/2023
1385, 1st Waxing Day of Tawthalin, 1385
(15 September 2023)**

Guidelines on standard procedures to be followed if there is a complaint about fraudulent activities when using a bank or mobile financial services

1. The Central Bank of Myanmar has issued these guidelines in exercise of the authority conferred by section 132(b) Financial Institutions Law In order to take action in a timely manner in the event that fraudsters fraudulently obtain money from a customer's (person or organisation receiving mobile financial services) mobile money account using various methods, so as to protect the victims of fraudulent withdrawals.
2. A victim of a fraudulent withdrawal (fraud victim) who was defrauded out of money from his mobile money account shall do the following:
 - (a) Immediately contact the call centre and complaint centre of the relevant mobile financial service provider bank and mobile financial service provider;
 - (b) Immediately provide the information requested by the call centre and complaint centre based on what the customer communicated;
 - (c) visit the relevant local police station and open a case.
3. If the relevant local police station receives a complaint from the victim who was defrauded out of money from his mobile money account, it shall open a case immediately. Once the local police station has opened the case, the relevant bank and mobile financial service provider shall be notified either by phone, fax or e-mail.
4. The call centre and complaint centre of the relevant bank and mobile financial service provider shall do the following:



- (a) If it receives communication from a fraud victim and information from a fraud victim, check whether he is the account owner and whether the information submitted is correct;
 - (b) If checked and found correct, proceed to immediately notify their relevant department.
5. The relevant department of the bank and mobile financial service provider shall do the following:
 - (a) If checked and found correct that the complainant's reports are true, that there is reason to believe that there is a fraudster, and that there is reason to believe that there are persons related to the fraudster, immediately block the accounts of the complainant, the suspected fraudster and related persons temporarily and maintain the temporary block for 72 hours;
 - (b) arrange so that know-your-customer (KYC) information of the suspected fraudster and related persons may be communicated to the department where the case was opened or is being investigated and to related organisations;
 - (c) if the account has been temporarily blocked, report within 24 hours as suspicious transactions to the Central Bank of Myanmar and the Financial Intelligence Unit the information concerning the account and the transactions of these accounts;
 - (d) if notice is received from the relevant police station that a case was opened at the police station of the fraud victim, continue to block the account if necessary from 72 hours after the account was temporarily blocked, depending on additional information obtained from the investigation of the case;
 - (e) if there is no notice from the relevant police station that the fraud victim opened a case at the police station, reopen accounts that were temporarily blocked after 72 hours;



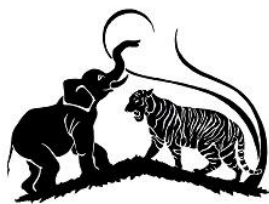
- (f) if, where accounts of a suspected fraudster and related persons are temporarily blocked, the person whose account is temporarily blocked submits evidence to request that the account be reopened for transactions that are unrelated to the fraud by the suspected fraudster, solicit the opinion of the relevant police station or police force investigating the case and submit the matter to the Central Bank of Myanmar;
- (g) immediately provide additional information if so requested by the Central Bank of Myanmar or the Financial Intelligence Unit.
6. The Myanmar Police Force, the Financial Intelligence Unit and the Central Bank of Myanmar shall open cases and take action in accordance with the law, and proceed with the acquisition of information of account holders and account records and the temporary blocking of accounts in accordance with the law.

On behalf of the Governor
Zaw Myint Naing, Deputy Governor
Central Bank of Myanmar

3. Industrial design registration fees

The recently held training course for prospective industrial design registration representatives elicited, among others, the government fees to be paid for the registration of industrial designs.

Sr.	Form	Description	Fee (MMK)	Unit
1	ID-1	Application for registration of industrial design	120,000	Each design
2	ID-3	Request for permission to reapply for industrial design registration	65,000	One application
3	ID-4	Request for correction of clerical errors and other errors that may be corrected in the industrial design registration application	35,000	One application
4	ID-6	Request for division of the industrial design registration application	100,000	One application



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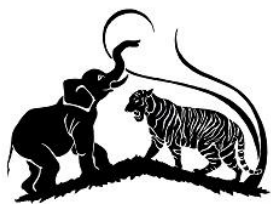
Sr.	Form	Description	Fee (MMK)	Unit
5	ID-7	Opposition to an industrial design registration	100,000	Each design
6	ID-8	Request for a copy of the industrial design registration certificate	35,000	One application
7	ID-10	Request for amendment of information recorded in the industrial design register that may be amended	35,000	One application
8	ID-11	Request to renew the industrial design registration	220,000	Each design
9	ID-12	Request to record the transfer of industrial design rights	80,000	Each design
10	ID-13	Request to record a license of a registered industrial design	80,000	Each design
11	ID-15	Request to declare a registered industrial design invalid	150,000	Each design
12	ID-16	Request to change the name of the representative	20,000	One application
13	ID-18	Request for extension of a specified time limit	35,000	One application
14	ID-19	Application for appeal	300,000	Each design
1		Recordation of an industrial design registration	100,000	Each design
2		Request to defer publication	35,000	Each design

4. Copyright registration rules issued

On 24 October 2023, the Ministry of Commerce issued rules concerning the voluntary registration of copyrighted works and related rights. Please find a salient excerpt of the rules reproduced below in English translation. Please contact us if you wish to receive our English translation of the entire rules (for a fee).

The registration system is not online yet, so voluntary registration is not yet possible, but we expect it to become possible soon.

As Myanmar is not a member of the Berne Convention, foreign works often do not enjoy protection (and therefore often may not be registered). In summary, protected are:



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- Local literary and artistic works (works created by citizens or resident foreigners and works first published in Myanmar); and
- foreign literary and artistic works only if they are published in Myanmar within 30 days after their publication elsewhere.

Software counts as “literary and artistic work.”

Copyright protection arises with the creation of the work irrespective of registration. However, registration may facilitate proof of ownership.

Government of the Republic of the Union of Myanmar
Ministry of Commerce
Notification No. 70/2023
1385, 9th Waxing Day of Thadingyut
(24 October 2023)

[...]

1. These rules shall be known as the Rules on the Registration of Literary and Artistic Works and Matters Concerning Related Rights.

[...]

Chapter 2
Application for Registration

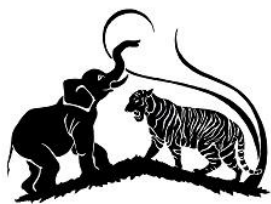
3. If the original author or owner or a literary and artistic copyright or owner of a related right wishes to register a literary or artistic work in order to obtain conclusive evidence that he acquired the literary or artistic copyright or related right, he may apply to the registration officer with application form CR-1, and if he wishes to register a matter concerning a related right, he may apply to the registration officer with form CR-2.
4. When applying for registration, a service fee for acceptance and review shall be paid.
5. (a) The following persons or legally established organisations may apply for registration:



- (1) The original author of the work;
 - (2) performer;
 - (3) phonogram producer; or
 - (4) broadcasting organisation.
 - (b) Persons or legally established organisations to whom an economic right has been transferred by any of the following means may apply for registration:
 - (1) Inheritance either according to a law in force or according to custom;
 - (2) bequest by a person with the power to write a will;
 - (3) gift or donation;
 - (4) transfer of ownership according to any law in force.
6. (a) The application for registration shall be submitted to the registration officer in Burmese or English by any of the following methods:
- (1) Applying electronically as specified by the Department;
 - (2) visiting the Department to apply;
 - (3) sending the application with any postal service recognised by the Union.
- (b) If the description (name, address, name of the organisation, location name, etc.) is in another language than Burmese or English, it must be expressed in English.
7. When applying for registration according to rule 3, the following shall be submitted together with the application:
- (a) If the applicant is the original author, an acknowledgment that the literary or artistic work is self-created or self-made;



- (b) if the applicant is a performer, phonogram producer or broadcasting organisation, an acknowledgment that the performance, phonogram or broadcast is self-made;
- (c) if the applicant is the heir of the owner of a literary or artistic copyright or of the owner of a related right:
 - (1) Proof of the death of the owner of the literary or artistic copyright or of the owner of the related right;
 - (2) concerning the inheritance according to a law in force or according to custom:
 - (aa) If the applicant is the son or the daughter of the owner of the literary or artistic copyright or the owner of the related right, birth certificate, or will, inheritance certificate issued by a court, or other evidence specifying the heir;
 - (bb) if the applicant is the wife or husband of the owner of the literary or artistic copyright or the owner of the related right, evidence that this person is the lawful wife or husband, or will, inheritance certificate issued by a court, or other evidence specifying the heir;
 - (cc) if the heir is not the wife, husband or child of the owner of the literary or artistic copyright or owner of the related right, evidence and acknowledgement that he is the real heir and there are no other heirs, or will, or inheritance certificate issued by a court.
- (d) If the applicant is a transferee of an economic right according to any law in force:
 - (1) Evidence in writing and signed that the owner of the literary or artistic copyright or of the related right transferred the economic right;
 - (2) evidence in writing and signed that the joint owners of the literary or artistic copyright or of the related right transferred the economic right.



- (e) If the economic right was gifted or donated to the transferee, evidence in writing and signed that the owner of the literary or artistic copyright or of the related right gifted or donated the economic right;
 - (f) if a representative was appointed, power of attorney (If the applicant is not a permanent resident in the Union or if he resides abroad, a copy of the power of attorney certified by a notary in the country of the applicant's permanent residence or where the legal organisation was established)
 - (g) proof of payment of the fees;
 - (h) copy, phonogram copy or, in case of a literary work, a pair of copies incorporated electronically on a tape, record or any other medium of the literary or artistic work, performance or broadcast for which the application for registration is filed;
 - (i) if there is more than one applicant, evidence signed by all applicants stating that one applicant was authorised to sign on everybody's behalf;
 - (j) if the application is made in the name of a legally established organisation, evidence that the signatory is authorised to sign on behalf of the organisation;
 - (k) in case of a derivative work, the title of the original author, the name of the original author and signed evidence of the consent of the original author;
 - (l) in case of an application by more than one applicant, the names, other names (if any), citizen scrutiny card number, in case of a foreigner passport number, name of the country of citizenship and of permanent residence, and full address of the joint applicants.
8. An application for registration may only be made for a literary or artistic work or for matters concerning a related right.

[...]

Chapter 5 Registration and recordation

[...]



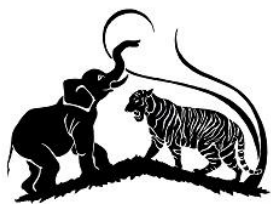
19. The registration officer shall review the information under rules 5, 6, 7 and 8 and the completed application for registration as follows:
- (a) In relation to a literary or artistic work:
 - (1) Whether the work is protected according to sections 13, 14 and 15 of the Law;
 - (2) whether it is not capable of protection according to section 16 of the Law;
 - (3) whether it is protected according to section 12(a), (e) of the Law;
 - (4) whether the period of protection of economic rights according to section 17(a) of the Law has not yet expired.
 - (b) In relation to matters concerning related rights:
 - (1) Whether the work is not capable of protection according to section 16 of the Law;
 - (2) whether it is protected according to section 12(b), (c), (d) and (e) of the Law;
 - (3) whether the period of protection of economic rights according to sections 38(b), 39(b) and 40(c) of the Law has not yet expired.

[...]

5. Autonomous or Private School Supervisory Board established

The Myanmar Gazette dated 27 October 2023 carried news that the Ministry of Education under the SAC established the Autonomous or Private School Supervisory Board on 22 September 2023.

**Government of the Republic of the Union of Myanmar
Ministry of Education
Notification No. 144/2023
1385, 8th Waxing Day of Tawthalin**



(22 September 2023)

Establishment of the Autonomous or Private School Supervisory Board

1. The Ministry of Education has constituted the Autonomous or Private School Supervisory Board as follows according to section 9 Private Education Law:
 - (a) Union Minister, Ministry of Education Chairman
 - (b) Deputy Minister, Ministry of Education Vice Chairman (1)
 - (c) Deputy Minister, Ministry of Education Vice Chairman (2)
 - (d) Director General / Permanent Secretary
Ministry of Science and Technology Member
 - (e) Director General / Permanent Secretary
Ministry of Health Member
 - (f) Director General
Alternative Education Department Member
 - (g) Director General
Department of Myanmar Examinations Member
 - (h) Director General
Department of Myanmar Nationalities'
Languages Member
 - (i) Director General
Department of Research and Evaluation Member
 - (j) Chairman, National Curriculum Committee Member
 - (k) Secretary, National Curriculum Committee Member
 - (l) Member, National Curriculum Committee Member
 - (m) Director General, Permanent Secretary Secretary



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Ministry of Education

- | | | |
|-----|---|-------------------|
| (n) | Director General
Department of Higher Education | Joint Secretary 1 |
| (o) | Director General
Department of Basic Education | Joint Secretary 2 |
| (p) | Director General
Department of Teacher Education | Joint Secretary 3 |

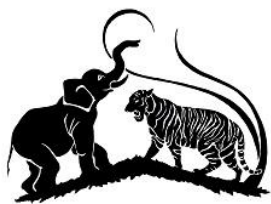
2. The duties and powers of the Supervisory Board are as per section 10 Private Education Law.

Dr. Nyunt Pe
Union Minister
Ministry of Education

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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