



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

NEWSLETTER 150 - 3 March 2024

Dear Readers,

Welcome to a new edition of our newsletter.

1. Copyright registration and other intellectual property matters

On 25 January 2024, the State Administration Council (“SAC”) [reorganised](#) the Intellectual Property Rights Central Committee.

Furthermore, the Intellectual Property Rights Department [announced](#) that applications for the (voluntary) registration of literary and artistic works and of related rights may be filed starting from 9 February 2024. Registration and related fees are as follows:

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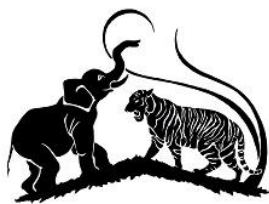
**Government of the Republic of the Union of Myanmar
Intellectual Property Rights Agency
Notification No. 1/2024
1385, 4th Waxing Day of Tabodwe
(13 February 2024)**

The Intellectual Property Agency has issued this notification in exercising the powers conferred by section 101 (d) Copyright Law with the consent of the Ministry of Commerce.

Determining the fees to be paid by type of service related to applications for the registration of matters concerning literary and artistic works and of related rights

1. The fees to be paid by type of service related to applications for the registration of matters concerning literary and artistic works and of related rights are set as follows according to section 8 (i) Copyright Law through the Intellectual Property Rights Central Committee with the consent of the Union Government:

Sr.	Type of service applied for	Fee (MMK)
(a)	Receiving and examining an application for registration of a literary and artistic work (CR-1)	100,000
	Receiving and examining an application for registration of a cinematographic work or audiovisual work	300,000



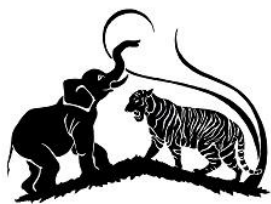
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(b)	Receiving and examining an application for registration of matters concerning related rights (CR-2)	100,000
(c)	Examining an application to correct clerical errors and other errors that may be corrected in the application, and making the correction (CR-3)	50,000
(d)	Examining an application for a copy of the registration certificate, and allowing the request (CR-5)	50,000
(e)	Examining an application to correct clerical errors and other errors that may be corrected in the register, and making the correction (CR-6)	50,000
(f)	Examining an application to record the transfer of economic rights, and recording the transfer (CR-7)	100,000
(g)	Receiving and examining an application to amend or cancel the transfer of economic rights (CR-8)	50,000
(h)	Examining an application to cancel registration (CR-9)	100,000
(i)	Examining an application request to change the name of the representative, and making the change (CR-11)	20,000
(j)	Examining an application for extension of a specified time limit (CR-12)	50,000
(k)	Receiving and examining an application for appeal (CR-13)	300,000

2. The fees specified for applications CR-1, CR-2, CR-7 and CR-8 are only for one matter concerning a literary or artistic work or related rights.
3. The fees specified for applications CR-3, CR-5, CR-6, CR-9, CR-11, CR-12 and CR-13 are for one application only.
4. The fees to be paid by type of service related to applications for the registration of matters concerning literary and artistic works and of related rights will be reviewed and adjusted from time to time.

Min Min
Chairman
Intellectual Property Rights Agency



Letter No.: Ma Pa Na (Agency) / 2 / 2024 (002)

Date: 13 February 2024

Distribution List: *[Omitted.]*

2. Reorganisation of the Thilawa and the Dawei SEZ Management Committees

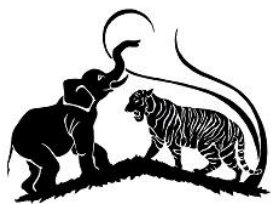
The Myanmar Gazette dated 23 February 2024 carried news that the Myanmar Special Economic Zone Central Body under the SAC reorganised the Thilawa and the Dawei SEZ Management Committees as follows:

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Republic of the Union of Myanmar
Myanmar Special Economic Zone Central Body
Notification No. 1/2024
1385, 13th Waxing Day of Pyatho
23 January 2024

Reorganisation of the Thilawa Special Economic Zone Management Committee

1. The Myanmar Special Economic Zone Central Body has reorganised the Thilawa Special Economic Zone Management Committee as follows according to chapter 5, section 9 (d) Special Economic Zone Law 2014:
 - (a) U Yan Naing Tun Chairman
 - (b) Daw Cho Cho Win Vice-Chairwoman
 - (c) Minister of the Economy, Yangon Region Government Member
 - (d) Deputy Director General, Directorate of Investment and Company Administration Member
 - (e) Deputy Director General, Customs Department Member



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|-----|---|-----------------|
| (f) | Deputy Director General (Trade Facilitation and Negotiation), Department of Trade, Ministry of Commerce | Member |
| (g) | Director, Ministry of Construction | Member |
| (h) | District Administrator, Thanlyin District General Administration Department | Member |
| (i) | U Aung Thura, Director (retired), Ministry of Commerce | Member |
| (j) | Daw Soe Soe Aye | Secretary |
| (k) | Deputy Director General, Myanmar Trade Promotion Organization, Ministry of Commerce | Joint-Secretary |
2. The duties of the Thilawa Special Economic Zone Management Committee are as per the duties of a management committee set forth in the Special Economic Zone Law.

Notification No. 2/2024

Reorganisation of the Dawei Special Economic Zone Management Committee

1. The Myanmar Special Economic Zone Central Body has reorganised the Dawei Special Economic Zone Management Committee as follows according to chapter 5, section 9 (d) Special Economic Zone Law 2014:
- | | | |
|-----|--|---------------|
| (a) | U Aung Soe, Permanent Secretary (retired), Ministry of Commerce | Chairman |
| (b) | Dr. Myint San, Director, Myanmar Research Center for Economic Development | Vice-Chairman |
| (c) | U Maung Gyi, Minister of the Economy, Tanintharyi Region Government | Member |
| (d) | District Administrator, Dawei District General Administration Department, Ministry of Home Affairs | Member |



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- | | | |
|-----|--|-----------------|
| (e) | Director, Directorate of Investment and Company Administration (Tanintharyi Region), Ministry of Investment and Foreign Economic Relations | Member |
| (f) | Regional Chief Port Officer, Myanma Port Authority (Tanintharyi Region), Ministry of Transport and Communications | Member |
| (g) | Director, Urban and Housing Development Department (Tanintharyi Region), Ministry of Construction | Member |
| (h) | Regional Head, Department of Consumer Affairs (Tanintharyi Region), Ministry of Commerce | Member |
| (i) | Director, Planning Head's Office, Tanintharyi Region, Ministry of Planning and Finance | Member |
| (j) | U Swe Tin Kyu, Director (retired), Department of Consumer Affairs, Ministry of Commerce | Secretary |
| (k) | Deputy Director General, Myanmar Trade Promotion Organization, Ministry of Commerce | Joint-Secretary |
3. The duties of the Dawei Special Economic Zone Management Committee are as per the duties of a management committee set forth in the Special Economic Zone Law.

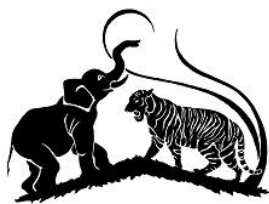
Vice-Senior General Soe Win
Chairman

Myanmar Special Economic Zone Central Body

[Published in the Myanmar Gazette dated 23 February 2024.]

3. Qualification of insolvency practitioners

Following the issuance of procedures for adjudicating suits under the Insolvency Law (see [earlier newsletter](#)), the Supreme Court under the SAC on 31 January 2024 specified what qualifications an insolvency practitioner must possess.



Various functions under the Insolvency Law may only be exercised by (certified and registered) insolvency practitioners, but as of today, there is no such registration procedure yet. As a stop-gap solution, the Directorate of Investment and Company Administration (“DICA”) requires filings in connection with the winding-up of companies that by law must be made by insolvency practitioners to be instead made by members of the “Myanmar Association of Insolvency Practitioners” (who, in spite of the somewhat misleading name, are not official insolvency practitioners for lack of a registration procedure).

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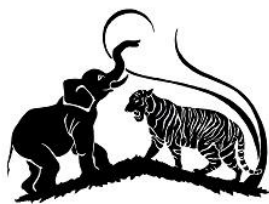
**Republic of the Union of Myanmar
Supreme Court of the Union
Notification No. 130/2024
1385, 6th Waning Day of Pyatho
(31 January 2024)**

Determining the educational qualification and length of work experience of insolvency practitioners

1. The Supreme Court of the Union has issued this notification exercising the powers conferred by section 416 (a) Insolvency Law.
2. As per the decision of the meeting 2/2023 of the Insolvency Practitioners’ Regulatory Council, the educational qualification and length of work experience of insolvency practitioners are determined as follows:
 - (a) Educational qualification: Certified public accountant (full-fledged) or licensed advocate
 - (b) Length of work experience: Persons with at least 10 years of work experience after completing the prescribed educational qualification.

(Tha Htay)
Union Chief Justice

Letter No. 18 / 66 / Monthly (202/2024)



Date: 31 January 2024

Distribution List: *[Omitted.]*

4. Ceiling of the township courts' original jurisdiction increased

Furthermore, the Supreme Court on [14 February 2024](#) elevated the ceiling of the township courts' original jurisdiction in civil cases as follows, with effect from 1 April 2024:

Sr. no.	Court	Old ceiling	New ceiling
1	Supreme Court	(Usually no original jurisdiction)	
2	High Court	No ceiling	
3	District Court	MMK 3,000,000,000	
4	Township Court	MMK 10,000,000	MMK 50,000,000 (from 1 April 2024)

5. No writs during state of emergency

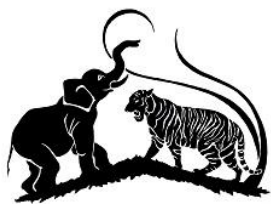
On [1 February 2024](#), the Supreme Court notified the public that no applications for writs may currently be filed as the SAC extended the state of emergency.

Section 16 (a) [Union Judiciary Law](#) provides for five types of writs of which the writ of habeas corpus (by which the Supreme Court may order the release of a person unlawfully detained) and the writ of certiorari (by which the Supreme Court may cancel an otherwise unappealable decision such as a decision of the Union level Labour Arbitration Body) used to have some relevance. Section 378 (a) of the [2008 Constitution](#) is interpreted as entitling only citizens to apply for a writ, but case law extended the scope of permitted applicants to include foreign-invested companies with a permit from the Myanmar Investment Commission (“MIC”).

According to section 16 (b) Union Judiciary Law, the Supreme Court shall suspend applications to issue writs in areas where a state of emergency has been declared.

6. Feeding investment data into the online system

DICA as the MIC's office operates an online system called “Myanmar Investment Online (MyInO)” used to communicate with investors. On 19 February 2024, the MIC notified investors with a permit or endorsement to input investment data into the system (to the extent that this has not

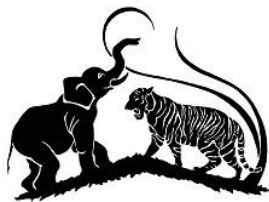


been done yet) until 30 June 2024 as investors may otherwise not be able anymore to apply for approval to hire foreigners.

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Announcement that a trial period has been set for the re-entering of investment information and that applications for approval to appoint foreigners shall be submitted in the Investment Monitoring System Phase 2

1. Phase 2 of the Investment Monitoring System is being implemented by the Directorate of Investment and Company Administration so that an investor may, after having obtained a permit according to the Investment Law and Rules, apply online when doing business in Myanmar, and so that, after verification by a department official, responding to needs, granting approval, providing support and making records may be done online.
2. If companies that have already received a permit or endorsement from the Commission submit applications in Phase 2 of the Investment Monitoring System, they must first re-enter in the system information regarding the company's investment carried out from the time of receiving the permit until today, and only after doing so will they be able to submit application forms.
3. It was announced that from 1 September 2023, applications consisting in requests for approval to appoint foreign experts under a proposal approved by the Myanmar Investment Commission, in requests for approval to increase the number of personnel, and in resignations of foreign experts whose appointment was approved by the Commission may be submitted at <http://103.89.50.35/> or during the trial period as hard copy.
4. **Therefore, it is hereby notified that the trial period deadline for re-entering the investment information has been set to 30 June 2024, and after the trial period is over, submission of contents in para. 3 will only be accepted in the online system.**
5. If you wish to enquire about difficulties encountered with re-registration and the submission of application forms in the online system, you may contact us in person



at the Investment Monitoring Division or at 01-657892, 01-657893 and imsworkpermit.team@gmail.com.

Myanmar Investment Commission

[Published on dica.gov.mm on 19 February 2024.]

7. Petty cash for trips abroad

On 23 February 2024, the Central Bank under the SAC announced a “foreign currency petty cash sales programme” (USD 300-500) for persons going abroad. This programme seems to have been in place already since 2023.

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Announcement for persons going abroad on the purchase of petty cash in foreign currency

7 types of foreign currency approved by the Central Bank of Myanmar (US Dollar, Euro, Singapore Dollar, Thai Baht, Malaysian Ringgit, Chinese Yuan and Japanese Yen) are regularly traded at the money changer counters of authorised dealer (AD) banks.

With the aim of making purchases in the market easy and preventing illegal money changers from playing the market, so as to allow Myanmar citizens to carry international payment cards (debit card and credit card) and petty cash in foreign currency when going abroad, USD 300 to 500 (or an equivalent) have been sold per person in cash in foreign currency at the money changer counters of Yangon International Airport or AD banks from 31.5.2023 to persons going abroad for work, medical treatment or study, and from 18.8.2023 to persons going abroad for pilgrimage or to attend meetings at the invitation of foreign governments and associations.

To facilitate sales to persons who are actually going abroad, AD banks (CB Bank PCL, Kanbawza Bank Ltd., AYA Bank PCL, UAB Bank Ltd., Myanmar Apex Bank Ltd., and Yoma Bank Ltd.) are offering sales on a daily basis at 3 bank counters at Yangon International Airport (arrival). In addition to the airport counters, bank counters where purchases may



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be made under the foreign currency petty cash sales programme are CB Bank PCL, Myanmar Oriental Bank Ltd., Kanbawza Bank Ltd., Innwa Bank Ltd., Asia Green Development Bank Ltd., AYA Bank PCL, UAB Bank Ltd., Myanmar Apex Bank Ltd., Myanmar Citizens Bank Ltd., Global Treasure Bank Ltd., Yoma Bank Ltd. and Ayeyarwaddy Farmers Development Bank Ltd., and it has been announced on the websites and Facebook pages of the banks that purchases may be made at these counters.

[Published on cbm.gov.mm on 23 February 2024.]

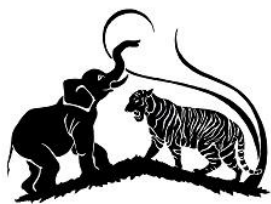
8. No more COVID-19 health insurance cover required when travelling to Myanmar

The Ministry of Health under the SAC does not seem to require foreigners entering Myanmar to have COVID-19 health insurance anymore, starting from 1 March 2024. At least this point is dropped from the ministry's "[public health requirements for travellers entering Myanmar](#)".

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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