

# MYANMAR (BURMA)

## TRADEMARKS AND SERVICE MARKS

### GENERAL NOTES

At present, there is no trademark act per se in Myanmar (Burma) for the protection of trademarks or service marks. However, there is a registration procedure in place whereby applications can be filed in Myanmar for the registration of Declarations of Ownership of trademarks or service marks.

#### 1. REGISTRATION

Declarations of Ownership of trademarks or service marks are registered with the Office of the Registration of Deeds. In filing an application for registration of ownership, the following documents are required:

- (1) A Power of Attorney executed by the applicant (see attached sample format on page 46).
- (2) Declaration of Ownership executed by the applicant (see attached sample format on page 47 which should provide full particulars of the applicant including name, registered address, incorporation information, as well as a description of goods or services covered by the trademark/service mark).
- (3) Copy of trademark/service mark registration in home country.

All the above three documents must be duly notarized, authenticated by the Department of Foreign Affairs of the home country, and endorsed by the Myanmar Embassy/Consulate/Diplomatic Mission in that country. The endorsement of the Myanmar Embassy must bear a legalization number.

- (4) Ten specimens of the trademark or service mark.

On the completion of registration formalities, the Declaration of Ownership is assigned a registration number along with application date, registration date and renewal date. The registered instrument with appropriate official stamps and notations is then returned to the applicant.

#### 2. CAUTIONARY NOTICE

The protection period is not prescribed by law. However, following completion of registration, it is an established practice for a Trademark Cautionary Notice to be published in a local English daily once every 3 years to remind the public of the ownership of a trademark and ward off any possible passing off or infringement. The Cautionary Notice is not compulsory. A typical Cautionary Notice includes the name of the trademark/service mark owner, a reproduction of the trademark/service mark and its Myanmar Registration No., the goods or services covered by the mark, and a warning that any fraudulent imitation or unauthorized use would be dealt with according to the law.

#### 3. RENEWAL

The validity period of a registration is 3 years. On renewal, a Power of Attorney and Declaration of Ownership of trademark or service mark would be required. These documents should be notarized, certified and legalized as in 1 above.

#### 2. SEARCH

Application for search is not accepted by the Registration Office in Myanmar. However, a search can be done by trademark lawyers privately at reasonable charges. Since it is rather difficult and almost impossible to conduct a search without a registration number or year of registration if the trademark has ever been registered in Myanmar, it is advisable to file for registration itself to save time and additional expense.

### **3. ASSIGNMENT**

Assignment of a trademark in Myanmar is very costly. It is advisable for the applicant to have the assignment executed in the country concerned and then register the assignment in Myanmar. In this case, a Declaration of Assignment and Power of Attorney duly notarized, authenticated and legalized (as in 1 above) are required.

**POWER OF ATTORNEY**

**TRADEMARKS AND SERVICE MARKS**

**KNOW ALL MEN BY THESE PRESENTS THAT WE,** \_\_\_\_\_

\_\_\_\_\_

a company organized and existing under the laws of \_\_\_\_\_ and having its principal place of business at \_\_\_\_\_

(hereinafter called the "Appointer") do hereby nominate and appoint:

Chit Swe

Khin San Myint (Mrs. Nyunt Tin)

Min Tayzan Nyunt Tin

Advocates of U Nyunt Tin Associates law firm of No. 93/8, 1st Floor, Yangon, Union of Myanmar, to be the attorneys of the Appointer and in its name and behalf do all acts and things necessary to apply for search in respect of a trademark or trademarks, or service mark or service marks, and procure the due registration in the Office of the Registration of Deeds, Yangon, Union of Myanmar, declaration or declarations made by and on behalf of the Appointer on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ relating to the trademark or trademarks, service mark or service marks and in particular (but without prejudice to the generality of the foregoing) to present the said declarations for registration, to admit to execution thereof, and to pay all proper fees and costs.

IN WITNESS WHEREOF, these presents have been executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

**DECLARATION OF OWNERSHIP**

We, \_\_\_\_\_, a company organized and existing under the laws of \_\_\_\_\_ and having its principal place of business at \_\_\_\_\_, do solemnly declare as follows:

1. That our Company, \_\_\_\_\_, is the Owner and Sole Proprietor of the following Trade Mark:
2. That our Company has been using the said Trade Mark in respect of the following description of goods, that is to say:
3. The said Trade Mark has been used since \_\_\_\_\_ and has been filed in \_\_\_\_\_ under Application No. \_\_\_\_\_ on \_\_\_\_\_.
4. That the Company reserves to itself the right to use the said Trade Mark in any colour or combination of colours on the said goods imported and/or sold by/on behalf of the Company in the Union of Myanmar.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_