

The Union of the Republic of Myanmar

Ministry of Commerce

Order 63/2020

The 10th Waxing Day of Wah Khaung. 1382 M.E.

(August 28th, 2020)

With the aim of facilitating the transition from the “First to Use System” to the “First to File System”, the order is hereby passed, being intended for the Trademark owners relevant to Section 93, Subsection (A) of the Trademark Law.

Order to register in accordance with the Trademark Law

- 1) Trademark owners under Section 93, Subsection (A) of the Trademark Law means owners of trademarks who have registered at the Deeds and Documents Registration Office before the Trademark Law has come into effect and trademark owners who have not registered but are nevertheless genuinely using them within the State’s markets.
- 2) The abovementioned Trademark owners, should they desire to enjoy the Rights of Priority as stated in Section 93, Subsection (B) of the Trademark Law, must apply for Trademark Registration to the Register Officer beginning from the First of October, 2020 until the commencement of the official set date of Trademark Registration. If they have applied as such, paid the set fees and fulfilled the necessary documentation, they will be entitled to receive officially set date of commencement Trademark Registration as the **Filing Date**.
- 3) (a) For the first step, Trademark owners may apply for Trademark Registration via the Consumer Affairs Department’s permitted Electronic means through Services, Companies and Law Firms that offer Trademark Registration services.
(b) For the second step, Trademark owners may, by themselves or through the Services mentioned in the first step, apply via the Consumer Affairs Department’s permitted Electronic means.
(c) Trademark owners that apply in such a way as stated in subsection (b) shall enjoy the same Rights of Priority as stated in Section 93, Subsection (B) of the Trademark Law and the right to receive the **Filing Date** as stated in paragraph (3) as per the Trademark owners that apply according to subsection (a).
- 4) When applying, the Trademark that is being requested by the applicants for the current Trademark Rights shall be identical to the previous Trademark registered at the Deeds and Documents Registration Office **OR** genuinely used within the State’s markets and as well as the type of product or service used for that Trademark. Any additional expansion of the classification of products or services will not be considered.
- 5) When identifying the type of Product **OR** Service, details must be provided in accordance with the International Classification – Nice classification.

- 6) The relevant fees for Trademark Registration and related fees as well as the Payment Methods will be announced separately before the issuance of the Order proclaiming that the Trademark Law has come into effect.
- 7) The documentary evidence of propriety rights that may be submitted, to prove that the said Trademark being previously registered at the Deeds and Documents Registration Office **OR** being genuinely used within the State's markets and being the sole user of such Trademark, are as follows
 - a) Trademark previously registered at the Deeds and Documents Registration Office
 - b) Certificate of the Trademark previously registered at the Deeds and Documents Registration Office (True copy)
 - c) Proof of the Trademark Notice posted in Newspapers or made known to the general public
 - d) Proof of the Trademark being genuinely used within the State's markets
 - e) Proof of the marketing and promotion for such Trademark
 - f) Tax receipts or payment receipts
 - g) If the current Trademark owner is not the original person that registered at Deeds and Documents Registration Office, proof of the Transfer of Rights or name change of the Trademark owner
 - h) Other evidences
- 8) Trademark owners, for whose trademarks Section 93, Subsection (A) of the Trademark Law does not apply to, may apply for Trademark Registration per the Rules and Regulations of the Trademark Law after the Trademark Law has come into effect and Trademark Registration applications are officially accepted.

Signed By

Dr Than Myint

Union Minister

Ministry of Commerce

No: 11/2-37/2020 (8)

Date: August 28th 2020