

How to Renew Trademark Registrations in Myanmar ?

In the dynamic landscape of intellectual property rights in Myanmar, trademarks play a pivotal role in safeguarding brand identities and establishing consumer trust. Myanmar's Trademark Law provides a solid legal framework for trademark registration, granting an initial term of 10 years from the submission date of the registration application. Upon the expiry of this term, trademark owners have the opportunity to renew their registration for subsequent 10-year periods. This article delves into the essential aspects of trademark renewal in Myanmar, highlighting the process, requirements, and the Registrar's responsibilities in ensuring brand continuity and intellectual property protection.

Below are critical points to consider regarding trademark renewal in Myanmar:

1. Duration of a registered mark

The duration of a registered mark, as stipulated under Section 34 in Myanmar's Trademark Law, shall be initially set at 10 years from the date of submission of the registration application. During this period, the owner of the mark enjoys exclusive rights over its use, preventing others from using similar marks for identical or related goods and services. This 10-year term forms the foundation of trademark protection in Myanmar, allowing brand owners to establish their market presence and reputation.

2. The procedures for renewing the term of mark registration

Section 35 outlines the procedures for renewing the term of mark registration. This section is crucial in ensuring that trademark owners can continue to protect their marks beyond the initial 10-year period. The key points to note are as follows:

(a) Timely Application: To renew the registration, the owner must apply for renewal within six months before the expiration of the current 10-year term. This requirement emphasizes the importance of proactive action by trademark owners to maintain the protection of their marks.

(b) Grace Period: If the owner misses the initial renewal deadline, there is a grace period of six months after the expiration date during which the renewal application can still be submitted. However, during this grace period, the applicant is required to pay both the prescribed registration fee and an overdue fee. This provision encourages trademark owners not to delay the renewal process to avoid additional costs and potential disruptions in protection.

3. The Registrar's responsibilities in trademark renewal process

Section 36 defines the responsibilities of the Registrar in the trademark renewal process. The Registrar's role is pivotal in ensuring the integrity and efficiency of the renewal process, and the key points are as follows:

(a) Renewal Approval: The Registrar reviews the renewal application to ensure it meets the necessary requirements. If all criteria are met, the Registrar allows the renewal application, and the renewed term of registration becomes effective from the date of the previous term's expiration. This continuity of protection ensures that trademark owners maintain their exclusive rights without any gaps.

(b) Public Announcement: Upon granting the renewal, the Registrar is required to make a public announcement following specified regulations. This announcement serves to inform the public and other stakeholders about the renewal, promoting transparency and visibility in the trademark system.

(c) Record Keeping: The Registrar maintains comprehensive records of the renewal of the term of registration and the payment of fees. Accurate record-keeping is essential for legal compliance and to facilitate access to relevant information for interested parties.

(d) Suspension in Non-Renewal: If the owner fails to pay the renewal fees within the grace period of six months, the registration of the trademark is suspended. This suspension acts as a safeguard to prevent the use of lapsed trademarks and ensures that only actively maintained trademarks retain legal protection.

(e) Public Announcement of Suspension: The Registrar records the suspension of the registration and makes a public announcement in line with the prescribed regulations. This announcement serves as a notification to the public about the suspended trademark's status and reinforces the importance of timely renewal.

A bottom line

The provision for trademark renewal in Myanmar is a critical aspect of maintaining long-term brand protection and intellectual property rights. Adherence to renewal deadlines is of utmost importance, as it ensures continued exclusive rights over the mark and prevents unauthorized use by others. The grace period for late renewal provides trademark owners with a limited window of opportunity to rectify missed deadlines, but it comes with additional financial considerations. The Registrar's role in examining renewal applications and making public announcements ensures a well-regulated and transparent trademark registration process. By understanding and complying with the renewal requirements set forth in Myanmar's Trademark Law, brand owners can fortify their market presence and safeguard their brand's integrity in the evolving business landscape.

With a track record of successful trademark registrations and renewals, KENFOX stands as your trusted partner in safeguarding your brand's identity and intellectual assets. Whether you seek to renew an existing trademark or require comprehensive trademark registration services, our team is ready to deliver innovative and result-oriented solutions.

By Nguyen Vu QUAN
Partner & IP Attorney

Contact

KENFOX IP & Law Office

Building No. 6, Lane 12/93, Chinh Kinh Street, Nhan Chinh Ward, Thanh Xuan District, Hanoi, Vietnam

Tel: +84 24 3724 5656

Email: info@kenfoxlaw.com / kenfox@kenfoxlaw.com