

How Do I Apply for Industrial Design Registration in Myanmar?

The process of securing industrial design rights in Myanmar involves distinct stages and considerations. This guide delineates the intricate steps and requirements that applicants must adhere to when applying for the registration of an industrial design.

1. Filing an industrial design application

Eligibility and Intent: Any individual or entity entitled under this Law to seek industrial design protection can submit an application for the registration of their industrial design to the Registrar, following the stipulated guidelines. This is a crucial step for those seeking to secure industrial design rights.

2. Application essentials

(i) *Single application for multiple designs:* Applicants have the option to submit a single application for one or more industrial designs if the designs fall within the same category under the Locarno Agreement for Industrial Design Classification.

(ii) *Language flexibility:* Applications can be submitted in either Myanmar or English.

(iii) *Translation requirement:* If requested by the Registrar, applicants must translate their application from Myanmar to English or vice versa. A truthful statement verifying the accuracy of the translation must also be signed and submitted.

3. Required Information and/or Documents

a. Mandatory Inclusions: The application for industrial design registration must contain the following details:

- (i) A formal request for registration.
- (ii) Name and address of the applicant or legally formed organization.
- (iii) If represented by someone, details of the representative.
- (iv) Comprehensive description of the industrial design.
- (v) Identification of products featuring or derived from the industrial design.

b. Additional Requirements: Depending on the context, the application may need to include:

- (i) Registration details for legally formed organizations.
- (ii) Evidence and request for the right of priority.
- (iii) Evidence and request for the right of priority for trade exhibitions.
- (iv) Any other requirements specified by the Agency and Department.

4. Submission and Acknowledgment

Once a complete application fulfilling the stipulations in subsection (a) of section 22, and accompanied by the required fee, is received by the Department, the date of submission of the registration application in the Union is established.

5. Prioritizing Registration

(a) Resolving Conflicting Applications: In cases where multiple individuals submit registration applications for similar or identical industrial designs on different dates, only the earliest application meeting stipulations will be eligible for registration.

(b) Applying Right of Priority: If there are conflicting applications with requests for the right of priority, the applicant with the earliest stipulated right of priority date shall be granted registration.

6. Negotiations and Decisions

In instances of concurrent applications for similar or identical industrial designs, applicants must collaborate to reach an agreement on registration. Should no consensus be reached, the Registrar's decision, as stipulated, will prevail.

7. Application Amendments

(a) Flexibility in Alterations: Applicants have the opportunity, upon payment of the prescribed fee, to modify their requests, translated statements, and other documents to rectify writing errors or other correctable errors. This is possible before a decision by the Registrar or an appeal case decision by the Agency.

(b) Modifying Applications: Applicants can request the withdrawal, separation, or division of industrial designs within an application, each subject to a prescribed fee.

8. Registrar's Discretion

The Registrar possesses the authority to permit amendments to applications under section 26 following a thorough examination in accordance with stipulated guidelines.

By comprehending these nuanced steps and obligations, individuals and entities seeking industrial design protection can navigate the application process in Myanmar with precision and clarity, ensuring the pursuit of design rights in adherence to the nation's legal framework.

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