

## Myanmar's Copyright Law 2019 – What is it provided for?

*Myanmar's Copyright Law*, enacted as *The Pyidaungsu Hluttaw Law No. 15, 2019*, comprises 24 chapters, each addressing various aspects of copyright and related rights protection, administration, enforcement, and penalties. KENFOX would like to provide below some basic details of the law with a hope that they will help IPR holders understand about the key provisions and mechanisms thereof and how to effectively manage, protect, and enforce their copyright and related rights in Myanmar.

### **Chapter I - Title, enforcement, and definitions** (including 02 articles, Articles 1-2)

Establishes the law's title, its effective date, and provides definitions for terms (e.g., "author," "copyright," "intellectual property rights", etc.) used throughout the law, ensuring a common understanding across the law, setting the foundational language and scope.

### **Chapter II – Objectives** (including 03 articles, Articles 3-5)

Outlines the law's aims, including improving literary and artistic standards, protecting copyrights and related rights, ensuring fair remuneration for creators, and preserving traditional cultural expressions.

### **Chapter III - Formation of the Central Committee and its functions and duties** (including 03 articles, Articles 6-8)

Details the creation of the Central Committee on Intellectual Property, its composition, functions, and responsibilities in overseeing intellectual property matters.

The Central Committee includes a diverse range of members from various ministries and intellectual property experts, ensuring a multi-faceted approach to IP policy and strategy.

### **Chapter IV - Formation of Agency and its Functions and Duties** (including 03 articles, Articles 6-8):

Specifies the formation of the IP Agency, its structure, functions, and duties in coordinating and implementing copyright policies and strategies.

The Agency plays a pivotal role in translating IP policies into actionable strategies and overseeing the practical aspects of copyright administration, including international cooperation.

### **Chapter V - Functions and duties of the Department Objectives** (including 01 article, Article 9)

Describes the functions and duties of the Department responsible for intellectual property matters, including copyright registration and supervision.

This Department acts as the operational arm, executing day-to-day copyright management tasks, which are essential for the enforcement and promotion of copyright within the country.

### **Chapter VI - Appointing the Registrar and prescribing the duties of the Registrar** (including 02 article, Articles 10-11)

Focuses on the appointment of the Registrar, outlining their responsibilities in managing copyright and related rights registrations.

### **Chapter VII - Scope of application** (including 01 article, Article 12)

Defines the scope of the law, detailing the works and rights it protects based on criteria such as authorship nationality, place of publication, works related to Myanmar, and membership in international conventions.

## **Chapter VIII - Protected literary or artistic works and unprotected literary or artistic subject matters** *(including 04 articles, Articles 13-16)*

Identifies which types of works are protected under copyright, including original works and derivative works, and specifies works not covered by copyright protection.

Distinguishes between protected works (*original creations, literary and artistic works*) and unprotected subject matter (*ideas, methods, legal texts*), clarifying the bounds of copyright.

## **Chapter IX - Term of copyright** *(including 01 article, Article 17)*

Specifies the [duration of copyright protection](#) for various types of works and rights, extending generally for the life of the author plus 50 years after their death, with specific conditions for anonymous, joint, and posthumously published works.

## **Chapter X - Economic rights and moral rights** *(including 04 articles, Articles 18-21)*

Details the [economic and moral rights](#) of authors, including the right to reproduce, adapt, and distribute their works, as well as the right to claim authorship and to protect the integrity of their works. Establishing clear rules for original ownership helps prevent disputes and ensures that economic benefits accrue to those rightfully entitled from the outset.

## **Chapter XI - Original ownership of economic rights** *(including 02 articles, Articles 22-23)*

Establishes rules for determining the original (initial) ownership of copyright, considering scenarios like employment, joint authorship, and commissioned works.

## **Chapter XII - Limitations and exceptions of economic rights** *(including 10 articles, Articles 24-33)*

Outlines specific circumstances under which copyrighted works can be used without the copyright holder's permission, such as for personal use, education, and library archiving.

## **Chapter XIII - Transfer of the economic rights** *(including 03 articles, Articles 34-36)*

Describes how and under what conditions copyright owners can transfer their economic rights to others.

The ability to transfer economic rights enables a dynamic copyright ecosystem where rights can be commercially exploited, licensed, or assigned in a manner that benefits both creators and users.

## **Chapter XIV - Related rights of the performer, producer of phonogram and broadcasting organization and terms of protection** *(including 06 articles, Articles 37-42)*

Defines the rights of performers, producers of phonograms, and broadcasting organizations, including their rights to control the use of their performances, recordings, and broadcasts.

## **Chapter XV - Protection of copyright or related rights management information and of technological protection measures** *(including 09 articles, Articles 46-54)*

Addresses the protection of copyright management information and the prohibition of circumventing technological protection measures.

## **Chapter XVI - Registration of copyright or related rights** *(including 03 articles, Articles 43-45)*

Details the copyright registration process, providing a formal avenue for rights holders to document and assert their copyright claims, providing evidence of copyright ownership and facilitating enforcement.

While copyright is automatically conferred upon creation, the law provides for a voluntary registration system, offering a formal avenue to establish a public record of copyright claims, enhancing enforceability.

## **Chapter XVII - Cancellation of copyright or related rights registration** *(including 03 articles, Articles 55-57)*

Specifies conditions under which [copyright or related rights registrations can be cancelled](#) (i.e., in cases of error, fraud, or misrepresentation).

## **Chapter XVIII – Appeal** *(including 02 articles, Articles 58-59)*

Establishes a mechanism for appealing Decisions made by the Registrar or the Agency and outlines the procedures for appealing Decisions made by the Registrar/Agency regarding copyright registrations or related matters.

## **Chapter XIX - Formation of a collective management organization on copyright or related rights and its functions and duties** *(including 03 articles, Articles 60-62)*

Describes the process for forming collective management organizations to represent copyright owners and manage their rights collectively. Such a collective management organization can manage copyright on behalf of multiple owners, streamlining the licensing and enforcement of rights.

## **Chapter XX - Establishment of the Intellectual Property Courts** *(including 01 article, Article 63)*

Details the establishment of Intellectual Property Courts to adjudicate copyright and related rights disputes.

## **Chapter XXI - Protection of copyright or related rights by the Customs Department** *(including 09 articles, Articles 64-72)*

Provides for customs enforcement against the importation and distribution of pirated copyright goods.

## **Chapter XXII - Authority of the IP courts on copyright or related rights infringements** *(including 09 articles, Articles 73-81)*

Specifies the powers of IP Courts in handling copyright infringement cases, including the issuance of provisional measures and orders for remedies (e.g., *compensation for damages*).

- The IP Courts are endowed with comprehensive powers to issue provisional measures, injunctions, and orders for the destruction of infringing goods. This ensures that copyright owners have effective legal remedies to protect their rights and deter infringement.
- The courts can also award damages, ensuring that copyright owners are compensated for any losses incurred due to infringement. This provision underscores the law's emphasis on remedying the harm caused to copyright owners, providing a deterrent against future infringements

## **Chapter XXIII - Offences and penalties** *(including 04 articles, Articles 82-85)*

Lists copyright-related offences and prescribes penalties for copyright infringement, including imprisonment and fines.

- **Deterrence through penalties:** By establishing severe penalties for copyright infringement, including imprisonment and fines, the law aims to deter potential violators by underscoring the serious legal consequences of such actions.
- **Repeat offenders:** The law specifies even harsher penalties for repeat offenders, highlighting the state's commitment to combating copyright infringement vigorously.
- **Civil vs. criminal remedies:** This distinction allows for a dual approach to addressing copyright violations, enabling copyright owners to pursue either or both avenues for redress and enforcement, depending on the nature and severity of the infringement.

## **Chapter XXIV – Miscellaneous** *(including 17 articles, Articles 86-102)*

Contains additional provisions related to the public domain, transitional arrangements for existing copyrights, and the law's application to government use of copyrighted works.

## Final thoughts

Myanmar's Copyright Law represents a comprehensive effort to establish a legal framework aimed at protecting creators' rights while also considering the public's interest in accessing creative works, encouraging creativity and innovation, and ensuring that the fruits of these intellectual creations are accessible to the wider community. It clearly defines, among others, the rights of copyright holders, including economic and moral rights, and specifies the remedies and enforcement mechanisms available for addressing copyright infringements.

While Myanmar's Copyright Law has consisted of provisions for technological protection measures and management copyright information, the rapid evolution of digital technologies and the internet poses new challenges in enforcing copyright protections. To improve the effectiveness of enforcing Myanmar's Copyright Law, it's imperative to strengthen the capabilities of enforcement agencies such as the police, customs authorities, and the judiciary. Providing specialized training in IP law will ensure these entities possess the requisite expertise and tools essential for identifying and combating copyright infringements effectively in Myanmar.

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