

Economic rights and Moral rights of Copyright Owners under Myanmar's Copyright Law

1. Economic rights of copyright owners in Myanmar: What are they

Under [Myanmar's Copyright Law](#), Articles 18 and 19 define the economic rights granted to authors and copyright owners, encompassing a broad spectrum of exclusive rights that allow for the commercial use and control of their works. KENFOX provides below the relevant economic rights so that authors and copyright owners can take relevant actions under Myanmar laws.

Economic Rights Granted (Article 18)

[1] **Reproduction:** The right to make copies of the work in any manner or form, including any permanent or temporary storage of the work in electronic form.

[2] **Translation, adaptation, arrangement, or other alteration:** The right to translate the work into other languages, adapt it into different formats (e.g., from a novel to a screenplay), arrange or modify it. This allows for creative evolutions of the original work.

[3] **Distribution:** The right to make the original or copied works available to the public through sale, lease, or other transfer of ownership. However, this right has a proviso that once the original or a copy is sold or ownership is transferred with the author's consent, the distribution right for that specific copy is exhausted.

[4] **Rental:** The right to rent the original or copies of certain works, such as computer programs, audiovisual works, cinematographic works, and more, to the public. There's a specific exception that this right does not apply to computer programs where the program itself is not the central element of the rental.

[5] **Public Performance:** The right to perform the work in public, such as playing a musical work in a concert, acting out a play on stage, or showing a film in a theater.

[6] **Broadcasting:** The right to broadcast the work or transmit it to the public by radio, television, or other means.

[7] **Communication to the Public:** The right to make the work available to the public by wire or wireless means in such a way that members of the public may access the work from a place and at a time individually chosen by them.

[8] **Collection:** The right to compile literary or artistic works into a collection, assuming the collection itself qualifies as a creative or intellectual work due to the selection or arrangement of the contents.

Transfer of economic rights (Article 19)

[Economic rights can be transferred](#) to others. This provision allows copyright owners to assign their rights wholly or partially to another party, which can be a critical aspect of commercializing the work. Such transfers must adhere to the law's provisions, ensuring that the transfer is legally binding and respects the limitations and exceptions outlined in the copyright law

Final thoughts

Economic rights as provided under Articles 18-19 of Myanmar's Copyright Law provide a legal framework for the commercial exploitation of creative works, opening up various ways to profit from the creations of the IPR holders. Copyright owners can license their works, sell reproduction rights, and enter into various commercial arrangements, all of which are legally protected and enforceable. These economic rights are essential for copyright owners because they open up various ways to profit from their creations while also giving them control over how their works are shared and used by others.

2. Moral rights of copyright authors in Myanmar: What are they?

Articles 20 and 21 of Myanmar's Copyright Law provide a comprehensive framework for the protection of moral rights, ensuring that authors retain personal and reputational connections to their works, regardless of the ownership status of the economic rights.

Moral rights (*Article 20*)

[Moral rights](#) are designed to protect the personal and reputational relationship between an author and their work. Under Article 20, these rights include:

[1] Right to claim authorship: Authors can claim authorship of their work and have their name indicated as such. This right ensures that authors receive recognition for their creations, regardless of who owns the economic rights.

[2] Right to use a pseudonym: If an author originally used a pseudonym on public copies of their work, they retain the right to continue using that pseudonym. This protects authors' choices regarding how they wish to be identified with their work.

[3] Right to object to derogatory treatment: Authors have the right to object to any distortion, mutilation, or modification of their work that would harm their honor or reputation. This provision safeguards the integrity of the work and the author's personal connection to it.

Exercise and waiver of moral rights (*Article 21*)

Article 21 addresses the exercise of these moral rights after an author's death and the circumstances under which an author might waive these rights:

[1] Exercise by inheritors: Upon the author's death, their moral rights can be exercised by their inheritors, as determined by a will or by law, or by a legal entity to which the rights were transferred before the author's death. This ensures that the author's moral rights continue to be protected and enforced by someone who represents their interests.

[2] Waiver of rights: Authors have the option to waive their moral rights for specific uses. However, such a waiver must be made explicitly through a signed, written agreement. This provision allows authors some flexibility in how their works is used, particularly in collaborative or commercial contexts, while still protecting their moral rights by requiring a formal, documented waiver process.

Final thoughts

While economic rights focus on the financial utilization of works, moral rights under Articles 20 and 21 of Myanmar's Copyright Law protect the non-economic interests of authors, such as recognition, reputation, and the integrity of the work. These rights affirm that the author's relationship with their work is valued and protected, even beyond economic considerations, and they provide mechanisms for these rights to be respected after the author's death or waived under specific conditions.

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