

## How can a foreign work be protected under copyright law of Myanmar?

Myanmar is not a member of the Berne Convention. Consequently, authors and/or owners of foreign works from Berne Convention countries do not automatically enjoy copyright protection in Myanmar. For foreign works to be protected in Myanmar, they must meet the conditions set out in [Myanmar's Copyright Law 2019](#), as Myanmar's obligations to protect foreign works are defined solely by its own legislation and any treaties it has joined.

Article 12 of Myanmar's Copyright Law 2019 sets out conditions for national and international literary and artistic works, as well as performances, phonograms, and broadcasts. KENFOX would like to provide below the key notes for [foreign authors](#) and/or copyright owners to grasp understanding of protection mechanism for works in Myanmar.

### 1. For literary or artistic works

- **National or resident authors:** Copyright protection is granted to works of authors who are nationals of, or have their habitual residence in Myanmar, whether the works are published or unpublished.
- **First publication in Myanmar:** Works first published in Myanmar, or works published in another country but also published in Myanmar within thirty days of their first publication, are protected regardless of the author's nationality or residence.
- **Audiovisual and cinematographic works:** These works are protected if the producer has their headquarters or habitual residence in Myanmar.
- **Works of architecture and art incorporated into structures:** Copyright extends to architectural works erected in Myanmar and artistic works incorporated into local buildings or structures.

### 2. For performers

- Protection extends to performers who are nationals of, or have their habitual residence in Myanmar.
- Foreign performers' performances are protected if they occur within Myanmar's territory or are incorporated in phonograms or broadcasts that are protected under this law.

### 3. Phonograms

- Phonograms by Myanmar nationals, those first fixed or published in Myanmar, and those first published abroad but also in Myanmar within thirty days, are protected regardless of the producer's nationality or residence.

### 4. For broadcasts

- Broadcasts are protected if the [broadcasting organization's](#) headquarters are located in Myanmar or if the broadcast is transmitted from a transmitter situated in Myanmar.

### 5. For work under International Treaties

- Literary or artistic works, performances, phonograms, and broadcasts are also eligible for protection in accordance with any copyright or related rights convention, treaty, or agreement to which Myanmar is a member.

### Final thoughts

If a foreign work is first published in another country and then published in Myanmar more than thirty days after its first publication, it would not automatically qualify for copyright protection. However, all is not lost. If such a thirty-day publication window has passed, foreign authors and copyright owners might

consider alternative means of protection, such as registering their works as per Article 46-54 of Myanmar's Copyright Law so that a Copyright Registration Certificate can be granted and used as a legal tool to fight against copyright infringement in Myanmar.

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