

Appeal against the Registrar's copyright-related Decision under Myanmar's Copyright Law: What process?

Facing [a refusal or an unfavorable decision](#) from the Myanmar Registrar on a copyright-related issue can be a daunting hurdle for copyright holders. The process to challenge such a decision is far from straightforward, demanding a detailed understanding of legal procedures and often necessitating specialized expertise. KENFOX would like to provide below a 9-step process for those looking to contest the Registrar's copyright-related decisions or even file a lawsuit against the Agency's decision—the higher authority above the Registrar - at the Myanmar IP Court.

Step 1: Right to appeal

The process begins with a decision made by the Registrar concerning a copyright matter, which could involve copyright registration, disputes, or other related issues.

As per Article 58 (a) of [Myanmar's Copyright Law 2019](#), Any person dissatisfied with a decision made by the Registrar has the right to appeal to a higher authority, referred to as the “**Agency**”. This dissatisfaction could stem from a belief that the decision was unjust, incorrect, or overlooked crucial evidence.

Step 2: Filing an Appeal & Deadline

The dissatisfied party must file an appeal to the Agency responsible for overseeing copyright matters in Myanmar. This must be done within 60 days from the date the Registrar's decision was published. The appeal should include:

- A detailed explanation of the reasons for the appeal.
- Any relevant evidence that supports the appeal.
- Specific details of the decision being appealed.

Step 3: Review by the Agency

Upon receiving the appeal, the Agency reviews the initial decision made by the Registrar. The Agency has the authority to:

- Confirm the Registrar's decision if it finds the decision to be justified and supported by the evidence.
- Cancel the Registrar's decision if it finds procedural errors, lack of evidence, or other justifiable reasons.
- Revise the Registrar's decision if it determines that a different outcome is warranted based on the evidence and legal considerations.
- Direct that further evidence be produced if the information presented is insufficient to make a definitive ruling on the appeal.

Step 4: Production of further evidence (if required)

If the Agency requests further evidence, the appealing party must provide this additional information to support their case. This step ensures that all relevant factors are considered before making a final decision.

Step 5: Decision by the Agency

After reviewing the appeal (and any additional evidence, if applicable), the Agency makes a final decision. It may confirm, cancel, or revise the Registrar's initial decision based on the comprehensive review of all presented information.

Step 6: Communication of the Decision

The final decision by the Agency is communicated to the appealing party and any other relevant parties. This decision is also published as per the stipulations of the law, providing transparency and closure to the matter.

Step 7: Filing a lawsuit against the Agency's Decision at court

If the party is still dissatisfied with the Agency's decision, they have the option to escalate the matter to the Myanmar Intellectual Property Court. This must be done within 90 days from the date of receiving the notice of the Agency's decision. This step involves:

- Filing a case in the Intellectual Property Court, which has been granted jurisdiction over such matters by the Supreme Court of the Myanmar.
- Presenting the case, including any grievances against the Agency's decision and supporting evidence, to the court for a review.

Step 8: Court's Decision

The Myanmar Intellectual Property Court reviews the case, considering all the submitted evidence and legal arguments. The court then issues a decision, which may uphold, overturn, or modify the Agency's decision. The decision of the Myanmar IP Court is final.

Step 9: Communication and Implementation of the Court's Decision

The Court's decision is [communicated to all parties involved](#), and the necessary actions are taken to implement the decision in accordance with the law.

Final thoughts

Overcoming a refusal decision related to copyright issued by the Myanmar Registrar, or securing a favorable verdict from the Myanmar IP Court, requires strategic approach, meticulous preparation and often, the guidance of a legal expert specializing in intellectual property law. Whether appealing the Registrar's decision or arguing your case in court, presentation matters. Clarity, brevity, and persuasiveness in your arguments can significantly influence the outcome.

KENFOX, with extensive experience and expertise in copyright-related matters, has successfully addressed numerous complex cases. We've assisted clients in asserting their rights and tackling large-scale copyright infringements. Our team is prepared to help you identify the strengths and weaknesses of your case and to develop an effective strategy for your appeal or lawsuit.

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