

Cancelling a copyright or related right registration in Myanmar: How?

Articles 55, 56, and 57 of [Myanmar's Copyright Law](#) provide for the grounds and procedures for canceling a copyright or related rights registration. KENFOX would like to provide below essential insights and details to help the concerned parties to take proper actions concerning copyright/related cancellation in Myanmar.

1. Filing an application for cancellation

Under Article 55, if it is found that a registered copyright or related rights is “prejudicial” to any person or to public interests, a cancellation can be requested. Such adverse impact, or prejudiciality, can manifest in various ways:

- *Monopolization of public domain works:* If a work that should rightfully be in the public domain is incorrectly granted copyright protection, it can limit public access to this work.
- *Incorrect attribution or ownership:* When copyright is incorrectly attributed to someone who is not the rightful owner or creator of the work, it can harm the actual creator's ability to benefit from and control their creation

2. Grounds for cancellation

Article 56 outlines 04 grounds under which the Registrar is mandated to [cancel a copyright or related rights registration](#).

[1] Non-Protection under Article 16

A registration can be cancelled if the work is found not to be protected under the specific exclusions outlined in section 16 (including 06 types of works that are found not to be protected under Myanmar Copyright Law:

- (a) idea, procedure, method of operation, mathematical concept, principle, discovery or data;
- (b) news of the day or miscellaneous facts having the character of mere items of press information;
- (c) constitution and legislation;
- (d) rules, regulations and bye-laws, and notifications, orders, directives and procedures issued by the Governmental departments, Governmental organizations and Departments;
- (e) judicial decisions and orders; and
- (f) official translation and collection of those in subsections (c) to (e) by the Government.

If a work initially registered as copyrightable is later found to fall within these excluded categories, its registration must be canceled.

[ii] Lack of entitlement to registration

If it is determined that the author or the owner of the copyright or related rights was not entitled to registration, due to reasons such as not being the actual creator, having insufficient rights, or other legal disqualifications (e.g., *lack of ownership, improper transfer of rights, or failure to meet eligibility requirements*), the registration can be cancelled.

[3] Fraud, Misrepresentation, or Concealment

If the registration was obtained through deceitful means - including fraud, misrepresentation of facts, or concealing significant information - it is subject to cancellation.

[4] Court Decision: If a final decision or judgment by the relevant Intellectual Property Court concerning the application for cancellation has been received

3. Recording and notification of cancellation

Under Article 57, if registration is canceled, the Registrar must record the cancellation, notify the [copyright or related rights owner](#), and publish the cancellation in accordance with the prescribed manner.

Final thoughts

The cancellation process, as indicated in Articles 55, 56, and 57 of Myanmar's Copyright Law, serves as an important tool/mechanism for correcting errors, to address and rectify wrongful registrations. This includes instances where the work does not qualify for protection, the registered owner was not entitled to the rights, or the registration was obtained through deceitful means. Such a mechanism is crucial for rectifying mistakes and ensuring that copyright protection is justly administered.

Despite the aforesaid, the evidentiary burden on the applicant to prove that a registration is "prejudicial" could be significant. The process may require substantial legal and factual substantiation, which could be a hurdle for individuals without adequate resources.

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