

## Cancelling a copyright or related rights registration in Myanmar: What is the process?

*A copyright or related rights registration may be considered prejudicial to any person or to public interests (e.g., A work falsely attributed to someone, or which misrepresents someone in a way that could harm their reputation or privacy; or it infringe on the rights of another person or entity, such as using someone else's intellectual property without permission and then registering the copyright). [Myanmar's Copyright Law 2019](#) provide mechanisms to address and remedy situations where copyrights are found to be prejudicial to the public good or individual rights.*

For individuals or organizations harmed by a registered copyright or related right, or who believe the registration contradicts public interest, Myanmar's Copyright Law 2019 (Articles 55 to 57) provides a legal avenue to challenge and potentially cancel the registration. KENFOX provides below the steps for challengers are required to present substantial evidence and legal grounds for cancellation.

### Step 1: Grounds for cancellation

Myanmar's Copyright Law (Articles 55-56) outlines 04 grounds under which the Registrar is mandated to [cancel a copyright or related rights registration](#).

#### [1] Prejudicial to Public or Individual Interests (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. This ensures that copyrights that harm the public good or unfairly disadvantage individuals can be challenged.

#### [2] Non-Protection Under Section 16 (Article 56(a))

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.

#### [3] Lack of Entitlement to Registration (Article 56(b))

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.

#### [4] Fraud, Misrepresentation, or Concealment (Article 56(c))

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

### Step 2: Application for cancellation

- **Filing an application:** A person or organization concerned, believing that a registered copyright or related right is prejudicial or meets other criteria set out in Article 56, must apply to the Registrar for the cancellation of the said registration.
- **Submission of evidence:** The applicant likely needs to submit evidence supporting their claim that the copyright or related rights registration meets one of the 04 conditions for cancellation outlined in Article 56.

### Step 3: Registrar's Evaluation

- **Review of application:** Upon receiving the application, the Registrar reviews the evidence and arguments presented to determine if the registration indeed violates the conditions listed in Article 56, such as being not protectable under Article 16, obtained through misrepresentation, or if the owner is not entitled to the registration.
- **Decision to cancel registration:** If the Registrar finds that one or more of the conditions for cancellation are met, they will proceed to cancel the copyright or related rights registration.

#### Step 4: Cancellation and notification

- **Recording cancellation:** Article 57 specifies that if registration has been canceled, the Registrar records this cancellation officially.
- **Notifying the owner:** The Registrar must then [notify the owner](#) of the copyright or related rights of the cancellation. This ensures that the owner is aware of the change in the status of their rights.
- **Public publication:** Additionally, the cancellation is published "in accordance with the stipulations." This public disclosure ensures transparency and informs the public that the copyright or related rights no longer stand as registered.

#### Step 5: Possible legal recourse

- **Appeal:** Per Article 58, any person who is dissatisfied with any decision made by the Registrar under Myanmar's Copyright Law 2019 may [appeal to the Agency](#) (as per Articles 6-7) within 60 days from the date of publication of such decision.
- **Lawsuit:** Any person who is dissatisfied with the decision made by the Agency may file a case in the Intellectual Property Court within 90 days from the date of receiving the notice of such decision.

#### Final thoughts

It's important for both applicants seeking cancellation and copyright owners defending their registration to provide comprehensive evidence and, if necessary, legal representation to support their positions. The success of a cancellation case heavily depends on the ability to provide concrete evidence that meets the grounds for cancellation as detailed under Article 56 (e.g., *fraud, misrepresentation, lack of entitlement to registration, etc.*). The strength, relevance, and admissibility of evidence directly impact the case's outcome. It's not just the amount of evidence, but its quality and how convincingly it proves the points in question. In such case, an experienced IP attorney with a deep understanding of Myanmar's Copyright Law can help craft a stronger case by accurately interpreting the law and applying it to the specifics of the case. KENFOX attorney can help you inform a strategic approach to filing the cancellation, presenting the evidence, and arguing the case. This includes deciding which evidence to prioritize, how to frame the legal arguments, and anticipating the opposition's moves.

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