

Rights Management Information and TPMs in Myanmar: What To Know?

Copyright and related rights management information and technological protection measures are significant for the digital copyright ecosystem, touching on legal, technological, and economic aspects. They are provided under Article 43-45 of [Myanmar's Copyright Law 2019](#). These provisions collectively safeguard the interests of copyright holders by protecting rights management information and technological protection measures against unauthorized tampering and circumvention.

1. Protection of rights management information (Article 43)

- *Prohibited alteration or removal:* Altering or removing electronic rights management information is a violation under Article 43(a) if done without the copyright holder's explicit consent. Rights management information typically includes details about [the copyright owner](#), the terms and conditions of the work's use, and any restrictions on its use. This ensures that copyright and related rights are respected across digital platforms.
- *Prevention of unauthorized dissemination:* In addition, protection is extended under Myanmar's Copyright Law when providing that literary or artistic works, objects of related rights, or any other subject matter covered under the law cannot be distributed, imported for distribution, broadcasted, or communicated to the public if their associated rights management information has been altered or removed in violation of Article 43(a). This clause aims to prevent the circulation of works from which rights management information has been illicitly removed, thereby deterring infringement and ensuring that creators and rights holders retain control over the dissemination of their works.
- *Governmental activities exception:* It specifies that the protection of rights management information does not apply to certain governmental activities related to public policy or security, provided these activities are authorized by law. This exception recognizes that there might be circumstances under which government entities need to bypass the standard protections on rights management information to serve broader public policy objectives or ensure national security.

2. Technological protection measures (Article 44)

Article provides for protection of technological protection measures (**TPMs**) within the context of copyright law of Myanmar, emphasizing the illegal nature of circumventing these measures and the prohibition against tools designed to facilitate such circumvention.

Under Article 44(a), a clear prohibition against any actions aimed at circumventing, removing, deactivating, or destroying TPMs is established. TPMs are methods or technologies used by copyright holders to prevent unauthorized access to or copying of copyrighted material. This includes, but is not limited to, digital rights management (**DRM**) systems that control access to ebooks, music, films, and software.

In addition, it further clarifies that circumvention activities could include actions like descrambling scrambled works. This is significant as it underscores that any method employed to bypass the technological barriers set up to protect copyrighted content is considered a violation.

Article 44(b) extends the protection to prohibit the creation, distribution, and possession of tools or services designed to circumvent these technological measures for commercial purposes, aiming to prevent the facilitation of unauthorized access to protected works.

3. Exceptions to TPMs (Article 45)

Article 45(a) provides exceptions to the prohibitions outlined in Article 44, allowing circumvention in specific instances where beneficiaries are entitled to exceptions and limitations to copyright as outlined in Article 27(a,b), 28(b) and 33. This enables the use of protected works for purposes such as research, education, and other non-infringing activities.

These exceptions do not, as provided as per Article 45(b), apply to works or objects made available to the public under contractual terms that specify how and when they can be accessed, with clear agreements on access.

For instance, if a movie or software is made available through a service that requires a subscription or a one-time payment, and the terms of service specify when and how you can watch or use this content, then you can't legally circumvent the protections - like encryption - put in place by the service, even if you're doing it for

one of the generally allowed reasons. This clause is designed to respect and uphold the terms of use established by the copyright holders or distributors, ensuring that the deals made between content providers and consumers are honored and not bypassed.

Final thoughts

Provisions about "*Protection of Rights Management Information (RMI) and of Technological Protection Measures (TPMs)*" as per Articles 43-45 serves as a clear legal mechanism for IPR holders to protect their copyright and related rights against unauthorized removal or alteration of RMI and the circumvention of TPMs. Ensure that all your digital content is accompanied by accurate and comprehensive rights management information and regularly monitor the use of your content online as well as be prepared to enforce your rights, including actions to be taken against unauthorized removal of RMI (Right Management Information) or circumvention of TPMs in Myanmar.

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