

Transfer of the Economic Rights under Myanmar's Copyright Law: 3 Key Takeaways

Articles 34, 35, and 36 of [Myanmar's Copyright Law](#) detail the provisions for the transfer of economic rights from the original copyright or related rights owners to other persons or legal entities.

1. Mechanisms for transfer of economic rights (Article 34)

[i] Flexibility in transfer: Copyright owners have the flexibility to transfer their [economic rights](#) either wholly or partially to another person or legal entity, providing a mechanism for authors to monetize or otherwise manage their creative works.

[ii] Means of transfer: Transfers can occur through various legal means, including:

- **Inheritance:** Rights can be transferred as part of an estate under law or custom.
- **Testament:** Rights can be transferred via a will.
- **Gift or donation:** Rights can be given as a gift or through donation.
- **Transfer of ownership:** Rights can be transferred through any legal mechanism of ownership transfer.
- **Licensing:** Economic rights can be licensed to others, allowing for the use of the work under specific conditions without transferring full ownership

[iii] Related rights transfer: Holders of related rights (rights related to, but distinct from, copyright, such as performers' rights, producers' rights, etc.) can also transfer their rights through the same means, provided that all concerned parties consent.

[iv] Written agreement requirement: Any transfer of economic rights must be documented in writing and signed by the parties involved, ensuring legal clarity and enforceability.

2. Recording the transfer (Article 35)

[i] Application for recordation: The transferee, upon acquiring economic rights, can apply to the Registrar to record the transfer. This involves subscribing to prescribed fees.

[ii] Amendment or cancellation: Both parties involved in the transfer have the option to apply for the amendment or cancellation of the transfer record, accompanied by supporting documents, ensuring that records can be updated or corrected as necessary.

3. Registrar's role in recordation (Article 36)

Official recordation and publication: The Registrar is responsible for recording transfers, amendments, or cancellations of economic rights and publishing these records in accordance with stipulations. This official recordation provides public notice of the transfer and clarifies the current holder of the economic rights.

Final thoughts

Economic rights that can be transferred through various legal mechanisms, including inheritance, testamentary transfer, gifts, sales, and licensing provide copyright owners the flexibility to plan and execute rights transfers in a manner that aligns with their personal, professional, and financial goals. By requiring written agreements and offering a mechanism for official recordation, the above articles provide legal clarity and security for both copyright owners and transferees, facilitating the smooth transfer of rights. The recording of transfers with the Registrar ensures that there is a public record of the current rights holder, which is important for enforcement, and avoiding disputes over copyright ownership.

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