

What Penalties Face Those Who Infringe Copyright under Myanmar’s Copyright Law?

Illegal actions infringing on copyright and related rights, from unauthorized reproduction and distribution to the possession and importation of pirated goods, are subject to penalties under Articles 82-85 of [Myanmar’s Copyright Law](#). These articles establish a comprehensive legal framework for combating copyright infringement in Myanmar, offering penalties aimed at deterring violations and safeguarding the rights of copyright holders. KENFOX, with its extensive experience in pursuing civil actions against IPR infringement, would like to provide an overview of these offences and penalties to equip copyright holders with the essential knowledge and practical tools needed for robust protection of their intellectual property rights in Myanmar’s IP court.

1. Primary Copyright Offences and Penalties (Article 82)

Offence category	Specific offences	Penalties
Commercial Purpose	(i) Direct or indirect reproduction, communication to the public, or distribution of copyrighted works or objects protected by related rights	Imprisonment for a term not exceeding three years OR a fine not less than one million kyats OR both.
Possession and Dealing	(ii) Possessing or dealing in pirated copyright or related rights goods	
Importation	(iii) Importing pirated copyright or related rights goods into Myanmar	
Prohibited Actions	(iv) Acting in a way prohibited under sections 43 and 44	
Possession of Infringement Tools	(b) Possessing any materials or implements predominantly used to produce copyright or related rights infringing goods	

The dual penalty option gives courts flexibility to tailor the punishment based on the specifics of the infringement case

2. Enhanced penalties for repeat offenders (Article 83)

Criteria for enhanced penalties	Details of Enhanced Penalties for Repeat Offenders
Previous conviction Requirement	The individual must have been previously convicted of an offence under Section 82.
Type of repeat offence	Any act constituting copyright infringement as detailed in Section 82, committed again.
Penalties on repeat conviction	- Imprisonment Range: From a minimum of three years to a maximum of ten years, AND/OR - Fine: Up to 10 million kyats.

The law imposes significantly harsher penalties on those who, after a prior conviction for specific copyright infringement activities listed in Section 82, commit the same offences again. The aim is to provide a strong deterrent against persistent violations of copyright laws

3. Offences related to copyright registration (Article 84)

Offence	Action	Penalties
Issuing or directing to issue a Copyright Registration Certificate dishonestly	(a) Issuing or directing the issuance of a Certificate of Copyright or Related Rights Registration dishonestly	Imprisonment for a term not exceeding one year OR a fine not exceeding two million kyats OR both.
Making or directing to make a false entry	(b) Making or directing to make a false entry in the Register of copyright or related rights	

The penalties (i.e., imprisonment for up to one year, a fine up to two million kyats, or both) serve as a deterrent against fraudulent manipulation of [copyright registration](#) systems, ensuring that the register remains a credible source of copyright and related rights information.

4. Conspiracy and Abetment (Article 85)

By holding those who conspire or abet in the commission of any offence under the law equally liable to punishment, Article 85 broadens the scope of accountability. This provision ensures that not just the direct perpetrators but also those who support or facilitate copyright infringement face legal consequences, highlighting the law's comprehensive approach to curbing copyright violations.

Final thoughts

The introduction of a tiered penalty system, with escalating consequences for repeat offenders (as seen in Article 83), serves as a strong deterrent against [copyright infringement](#). This system is crucial for discouraging persistent infringement by increasing the stakes significantly after the first conviction.

While Articles 82-85 under Myanmar's Copyright Law clearly outlines offences and penalties, its effectiveness significantly relies on robust enforcement mechanisms, judicial interpretation, and the overall legal infrastructure. Details on enforcement mechanisms, procedures for investigation, and the judicial process could further strengthen the law's impact. For effective enforcement of copyright, Myanmar sub-law documents could potentially include provisions for minor infringements, distinguishing between acts done in ignorance or without significant impact from those carried out for commercial gain. Such distinctions could ensure that penalties are applied in a manner that is both just and educative, rather than purely punitive in Myanmar.

By Nguyen Vu QUAN
Partner & IP Attorney

Contact

KENFOX IP & Law Office

Building No. 6, Lane 12/93, Chinh Kinh Street, Nhan Chinh Ward, Thanh Xuan District, Hanoi, Vietnam

Tel: +84 24 3724 5656

Email: info@kenfoxlaw.com / kenfox@kenfoxlaw.com