

Understanding Registered Industrial Design Rights in Myanmar

Registered industrial design rights in Myanmar provide exclusive protections for innovative designs. As the owner of a registered industrial design, you can enjoy these rights throughout the registration period. By complying with the provisions in this chapter, you secure your design's legal status and gain the following privileges.

1. Exclusive Rights and Civil Actions

As the rightful owner, you possess exclusive rights to: (i) Prohibit any commercial production, sale, or import of products without your consent, if they incorporate reproductions of your registered industrial design or designs that substantially replicate its main elements, and (ii) Initiate civil action against parties who infringe upon your registered industrial design rights.

In addition, you have the authority to transfer or grant licenses for your registered industrial design rights to third parties.

2. Employer's Non-Exclusive Right

If your employee's design is eligible for registration as an industrial design under subsection (d) of section 19, you, as the employer, possess a non-exclusive right to use the design.

3. Ownership and Division of Rights

Co-Ownership of Industrial Designs: In cases where an industrial design is co-owned by multiple individuals and no alternate agreements are in place:

- (a) Each co-owner enjoys equal entitlement to the undivided portion of registered industrial design rights.
- (b) Co-owners can independently transfer or license their respective portions of registered industrial design rights to third parties.
- (c) Co-owners possess the individual right to take legal action against infringements without the requirement of consent from other co-owners. (d) Inheriting registered industrial design rights grants the inheritor rights under subsections (a), (b), and (c).

4. Limitations on Exercising Rights

An owner of a registered industrial design is prohibited from exercising their rights under the following circumstances:

- (a) When engaging in private activities unrelated to commercial purposes.
- (b) When conducting experiments or research endeavors.
- (c) When reproducing for reference or training purposes.

5. Limitations on Products

Neither the owner nor an authorized representative can exercise registered industrial design rights on products that have been legally sold or imported within Myanmar, which contain the registered industrial design.

By understanding and adhering to these provisions, you can effectively navigate the realm of registered industrial design rights in Myanmar, safeguard your innovative creations, and contribute to the growth of design innovation in the country.

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