

Development of Intellectual Property System In Myanmar

Introduction

Myanmar is the largest country in mainland South-East Asia with a total land area of 676,578 square kilometers. It stretches 2200 kilometers from north to south and 925 kilometers from east-west at its widest point.

-Thailand

- Laos
- China
- Bangladesh
- India
- the World Trade Organization (WTO) on 16th November, 1994
- joined to ASEAN on 23rd July, 1997
- also became a 176th member country of WIPO on 15th May, 2001.
- we have to abide the obligation of TRIPS Agreement and ASEAN Framework Agreement on IP Co-operation.



Overview

- Legal principal of English Common law System
- No statutory law for IP protection
- The Myanmar Patents and Designs (Emergency Provision) Act, 1946
- Copyright Act (1914)
- Registration Act (1908)
- General Laws - Penal Code and some civil laws
- Application of other laws that can be enforceable on the IP Rights
- The existing IP and related laws are outdated as they were enacted in the 19th century

IP Infrastructure in MYANMAR

Legislation

- Industrial Design Law
- Trademark Law
- Patent Law
- Copyright Law
- Other related laws

Implementation

- Intellectual Property Office of Myanmar
- IP Courts
- Customs
- Police

IP Environment

IP Attorneys
IP Organizations
CMO
Technology Transfer office
TISC

Relevant Laws Related to IP

Type of IP	Substantive Law	Related Laws
Trademark	Nil	-Penal Code -Merchandise Marks Act -Specific Relief Act -Sea Customs Act -Registration Act
Copyright	Burma Copyright Act, 1914	-specific Relief Act -Television and Video Law -Motion Picture Law
Patent	Nil	-Patent and Design (Emergency Provisions) Act -specific Relief Act
Industrial Design	Nil	-Patent and Design (Emergency Provisions) Act -specific Relief Act

Drafting the Intellectual Property Laws

† **A focal Ministry of World Intellectual Property Organization (WIPO) and responsible for IPRs.**

- Ministry of Education (Science and Technology) has drafted new IP Laws (in cooperation with Union Attorney General's Office, other related ministries based on)

✦ TRIPS

✦ IP Laws of the ASEAN countries

✦ WIPO Conventions and Treaties

† **Trademark law**

† **Industrial Design law**

† **Patent law**

† **Copyright law**

Basic Infrastructure for implementing the IP Laws

- † To draft the rules and regulations of IP laws
- † To establish the Intellectual Property Office of Myanmar(IPOM)
- † To define the responsibilities of staffs
- † To define the work flow of IPOM
- † To train the staffs to be competent examiner
- † To approve the organization structure of IPOM
- † To define the responsibilities of each staff
- † To get the trainings for each staff

Current IP Department

Department of Research
and Innovation



IP Department
1 37



Patent
6 1

Industrial
Design
3 5

Trademark
and GI
4 2

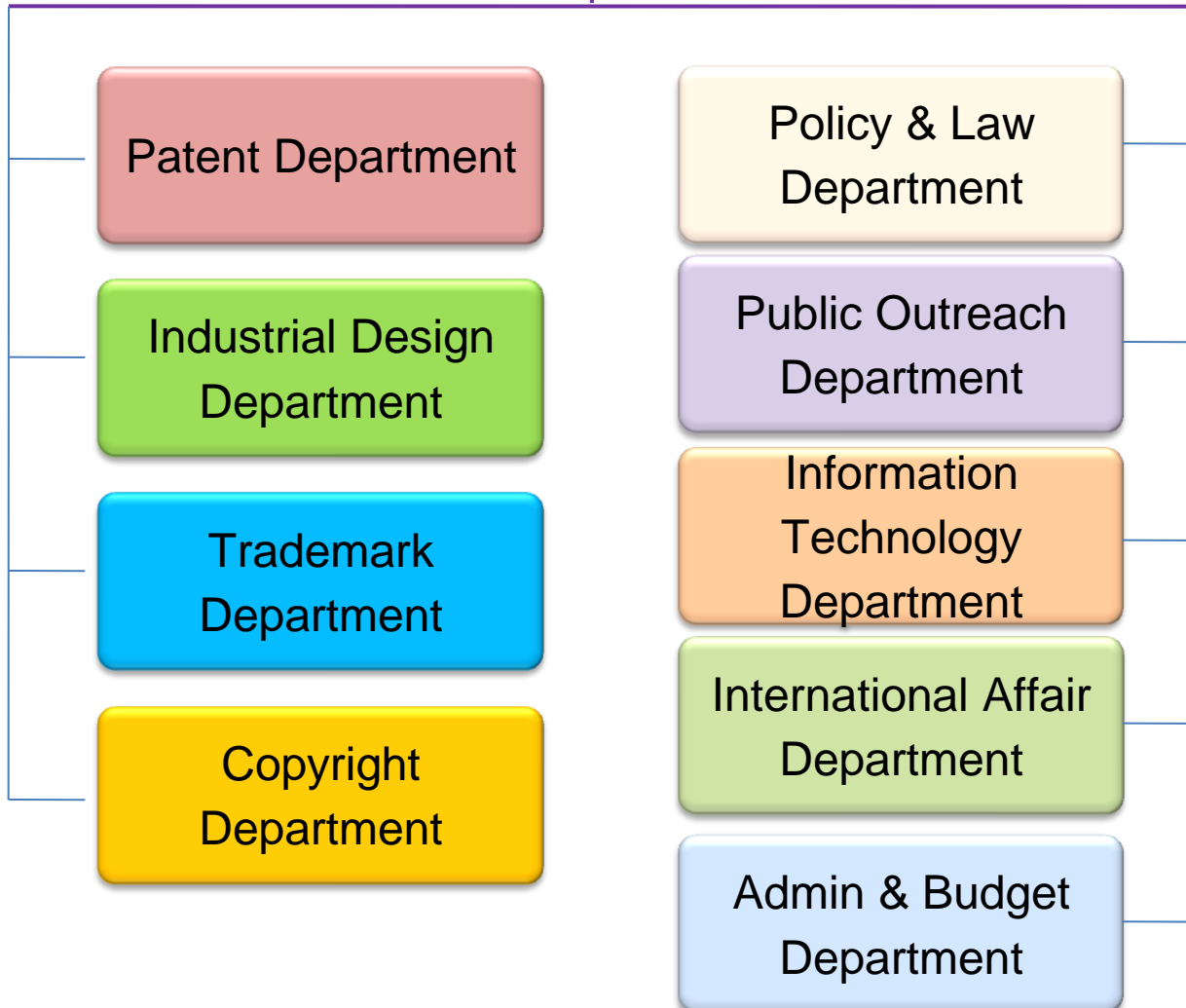
Copyright
3 2

Information
Technology
2 2

Admin
1 6

IP Office Organization (Proposed)

Intellectual Property Office of Myanmar



Trademark Department(Proposed)

No	functions	No of persons
1	Registrar	1
2	Examiner	28
3	Registration	9
4	Reception, Scanning, Data capture, Archive, file rapper	12
5	General Affair	10
6	Total	60

Future Trademark System

- Simple and cost effective registration system
- Beneficial to the industry and to all those economic operators that need protection for their IPRs, as part of the valuable assets of their business.

Future Trademark System

Trademark Law (Draft)

- 20 Chapters
- 97 Sections
- The Trademark Law establishes the legal basis for the application, examination and registration of trade marks.
- The legislation also provides for the registration of geographical indications.

Future Trademark System

Step 1. Filing of application

Step 2. Filing Date

Step 3. Examination(Formality +Absolute Ground)

Step 4. Publication

No Opposition case

Step 5. Publication for registration

Step 6. Issue Certificate

Opposition case

Step 5. Substantive Examination(Absolute + Relative)

Step 6. Publication for registration

Step 7. Issue Certificate

International Application

After acceding to International Trademark Registration system called Madrid Protocol, the international application either designating to Myanmar or filed from Myanmar shall be entitled to file in accordance with the stipulations.

Challenges

- ✚ To promulgate the draft IP laws
- ✚ To draft the rules and regulations of IP laws
- ✚ To establish necessary infrastructure of the IP Office including Registration system and Enforcement
- ✚ To draft examination guide line and manual
- ✚ To Recruit more staffs
- ✚ To get the specific training for each examiner
- ✚ To be efficient examiners

Current Effort To Set Up IP Regime

- Submission of finalized IP laws to the UAGO
- Drafting Rules and Regulations (with assistance of WIPO Legal experts)
- Training the staffs to become competent HR for future IP office
- Set up IP policy and national strategic Plan
- Necessary Preparation for future IP office
- Education and Awareness for different Audiences (Government, Public, Private, University, Research Institution, SMEs etc)
- Doing Research works (establishment of CMO, GI products)

Conclusions

- Myanmar needs comprehensive and effective IP protection system to promote foreign investment and technology transfer as well as for boosting industrial development.
- It is important to set up an appropriate legal IPRs system and also need to upgrade system practices.
- Strengthening the protection of intellectual property rights in Myanmar will be a catalyst for economic growth, encouraging foreign direct investment, and helping the country reap rewards in terms of greater domestic innovation and increased technology diffusion in long run.
- It is also important to enhance awareness of IPR in all sectors to make sure that we can gain benefits by introducing a new IP system in Myanmar.
- Developing the human resources and promoting the quality of the staff are important matters in establishing the IP Office of Myanmar.
- It is needed technical assistants on setting up the IP infrastructure in Myanmar collaboration with local and international organizations.

Thank you