

Information concerning the protection of country names in the field of registration of trademarks in MYANMAR

1. Legal basis of such protection (whether trademark or non-trademark law)

Trademark law in Myanmar is drafting. Regarding the protection of trademarks in Myanmar, the Registration Act is still practiced to protect trademark.

2. Applicable procedures

Ministry of Agriculture and Irrigation is responsible for registering trademarks. The following are the procedure of registering trademarks:

- (i) The trademark owner or the representative being appointed by the power of attorney, brining the Citizen Scrutinizing card, has to come to the Registry Office to file application. In the cases of foreign trademarks, the agent being appointed by the power of attorney which is bearing with legalization of the Myanmar Embassy in the respected country, has to come along with National Scrutinizing Card to file application.
- (ii) The documents to be submitted
 - (A) Declaration of Ownership of Trademark (which describes the name and complete address of trademark owner whether individual or company; the specimen of the trademark/ service mark/design; the list of goods to be used with the mark and with the statement that the applicant is the first to create this mark, that nobody is known in using the same mark before and declaring that the applicant is the owner of said trademark, and put the signature under declaration. Above Declaration shall bear stamp duty valued kyat 250/-.
 - (B) The Power of Attorney (which includes the name and full address of trademark owner and the name, address and the national scrutinizing no. of the agent to be appointed and which is to be signed by the trademark

owner. In the cases of the power of attorney given by the foreign trademark owner, it should be legalized by the Embassy as mentioned above. Stamp duty is liable at kyat 1000/- for the Special Power of Attorney and at kyat 4000/- for the General Power of Attorney.

(iii) Proceedings

The applicant shall buy and complete the application form at the Office of the Registry of Deed and Assurances. Adhering office duty stamp valued kyat 300/- on the completed application form, the applicant/agent accompanying with two witnesses submits the application to the staff officer of Registry Office. The staff officer checks the application and attached documents of Declaration of Ownership of Trademark, the power of attorney and the National Scrutinizing cards as well as checks the application whether it conforms with the two witnesses submit the application further to the Registrar. The Registrar makes counter checking of the application, attached documents, the signature and National Scrutinizing Cards of applicant and the witnesses and, if it is acceptable, getting fingerprints of the applicant and the witness, let him pay registration fee Kyat 6/- and keep the set of application at the office to enter in the Registry Book.

- (iv) After six to eight weeks as of filing date the trademark registration process is ended by returning back the registered document to the applicant, bearing with registration number and date, seal of the Registry Office and signature of Registrar.

3. Scope of protection accorded to country names in the field of registration of trademarks

In drafted trademark law, a mark that falls under the following grounds for refusal shall not be registrable:

- total or partial reproduction or imitation of the name or abbreviated name of any State or organization concerned;

4. Protection is granted for the official name of the country only or also for variations of those names, such as common names, adjective or abbreviations

In drafted trademark law, the provision is included for the protection of the official name of the country and variations of those names, such as common names, adjective or abbreviations.