

The Government of the Republic of the Union of Myanmar
Ministry of Commerce
Order No. (63/2020)
The 10th Waxing Day of Wagaung, 1382 M.E.
(28th August 2020)

To facilitate transition from the first-to-use to the first-to-file system of trademark registration, this order is hereby issued for trademark owners under subsection (a) of section 93 of the Trademark Law.

**Order for the Application for Registration of Marks in accordance with the
Trademark Law**

1. The owners of a mark under subsection (a) of section 93 of the Trademark Law mean the owner of a mark registered at the Office of the Registration of Deeds and the owners of the actual use of a mark in the channel of commerce of the State although they were not registered at that office before the Trademark Law comes into force.
2. If the owners of a mark mentioned in the aforesaid paragraph 1 wish to obtain the right of priority use under subsection (b) of section 93 of the Trademark Law, they shall apply to the registrar for registration of the mark starting from October 1st 2020 before the date of official receipt. The date on which the official receipt of the application for registration of the mark shall be the filing date for the mark, if it is applied within the prescribed period and after subscribing to the prescribed fees and complying with the necessary requirements.
3. (a) In the first step, the owners of a mark may submit the application for registration of the mark using the electronic method prescribed by the Department of Consumer Affairs through the enterprise, company, and law firm which are rendering services for the application for registration of a mark.
(b) In the second step, the owners of a mark may submit the application for registration of the mark themselves or by using the electronic method prescribed by the Department of Consumer Affairs through the services mentioned in the first step.

- (c) The owners of a mark who submitted their application under paragraph (b) shall have the equal right as those who submitted under paragraph (a) in respect of the priority right of use under subsection (b) of section 93 of the Trademark Law and the filing date under the paragraph 3.
4. When applying for registration, the mark applied for the rights of registered mark and the mark registered at the Office of the Registration of Deeds or the mark actually used in the channel of commerce of the State shall be identical. In addition, the goods or services using for those marks shall also be identical. The expanded list of goods or services shall not be considered.
 5. In describing the list of goods or services, the details of the description shall be based on the International Classification – Nice Classification.
 6. The procedures for the payment of fees, including the application for the registration of marks and relevant fees, shall be published separately before issuing the notification for the coming into force of the Trademark Law.
 7. Any of the following facts may be submitted as evidence that a mark has been registered at the Office of the Registration of Deeds or that a mark has been actually used in the channel of commerce of the State, although they are not registered and such a mark is being used solely by the owner up to the present time:
 - (a) the mark which has been registered at the Office of the Registration of Deeds;
 - (b) the certificate of the mark which has been registered at the Office of the Registration of Deeds (certified copy);
 - (c) the evidence such as being advertised in the newspaper or cautionary notice;
 - (d) the evidence of the actual use of a mark in the channel of commerce of the State;
 - (e) the evidence of the sales promotion and marketing of the mark;
 - (f) tax receipt or invoice;
 - (g) the evidence such as transfer of ownership or change in the name of owner of the mark, if the applicant is an unregistered owner at the Office of the Registration of Deeds;

- (h) other evidence.
8. The owners of a mark who are not entitled under subsection (a) of section 93 of the Trademark Law wish to obtain the rights of registered mark in the Trademark Law of Myanmar, they may, in accordance with the Trademark Law, rules, apply for registration starting from the date of official receipt of the mark after the Trademark Law come into force.

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Dr. Than Myint
Union Minister
Ministry of Commerce