

Ministry of Planning and Finance Notification no. 50/2023 on Customs Rules relating to the Protection of the Rights of a Registered Mark

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The Ministry of Planning and Finance of Myanmar has issued Notification no. 50/2023 on July 14, 2023, setting out procedures for customs recordation for registered trademark owner.

Application for customs recordation

According to the Notification, the applicant for custom recordation, must be the right holder of registered trademark or representative (to be referred as trademark owner hereafter), meaning that only trademark registered under Myanmar Trademark Law, enact on April 1, 2023 (to be referred as Trademark Law 2019 hereafter), could apply for customs recordation.

Interested trademark owners can file Form (1) for recordation. The said form requires mainly the following information;

- Information of registered trademark such as owner's name and address, registration number and duration term
- Information of applicant
- Information of product
- Information on authorized distributor/importer
- Document related to counterfeiting identification

If the information is complete and satisfies the Customs Department, the application will be accepted within 15 days from application date, if not, the applicant will be given 7 days to correct the form. Once accepted, the term of recordation is 2 years and can be renewed within 30 days before expiry date for two years each time. Any amendments or withdrawal at Myanmar Intellectual Property (Myanmar IPD) must be informed to the Customs Department within 3 business days.

Suspension Order

Trademark owner, regardless of whether the customs recordation has been filed, may apply for suspension order if he/she could provide adequate evidence that the counterfeiting goods were, are being or will be imported to Myanmar. If the information is complete and satisfies the Customs Department, Notice of Acceptance of Application will be issued within 30 days. After that, the trademark owner is required to submit a security deposit within 5 business days from the issued date of the notice of acceptance of the application.

Once the Customs Department finds, with sufficient ground, that imported goods are counterfeiting goods, a suspension order will be issued and the goods are suspended from entering into Myanmar. The Customs Department will immediately inform the trademark owner or applicant of customs recordation and importer about the suspension order.

Despite the above, the following goods are not applicable under this notification.

- De-minimis goods
- Transshipment Cargo
- Reshipment Cargo
- Retention Cargo
- Transit trade cargo
- Goods imported by the government as necessary for public interest or emergency situation

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