

Republic Of The Union Of Myanmar

Ministry Of Commerce

Notification No. 67/2023

The 15th Waxing Day of Tawthalin, 1385 M.E.

(29 September 2023)

In exercise of the power conferred under clause (i) of subsection (b) of section 86 of the Industrial Design Law, the Ministry of Commerce issues the following Rules with the approval of the Union Government.

Chapter I

Title and Definitions

1. These Rules shall be called the Industrial Design Rules.
2. The expressions in these Rules shall have the same meanings as in the Industrial Design Law. And, the following expressions shall have the meanings given below:
 - (a) **Law** means the Industrial Design Law;
 - (b) **Applicant** means a person or legal entity which is named in any application with regard to Industrial design as the applicant;
 - (c) **International Classification for Industrial Design** means a classification which is finally revised and published under the Locarno Agreement to be used in classification for registration of Industrial Designs;
 - (d) **Opponent** means a person or legal entity who files an opposition with respect to the application for registration of Industrial Design under section 31 of the Law;

- (e) **Representative** means a representative who is appointed to perform the matters of Industrial Design on behalf of the applicant, opponent, right holder or interested person to the Registrar or to perform the matters of appeal on behalf of the relevant person to the Agency;
- (f) **Fees** means the fees prescribed by the Agency with the approval of the Union Government through the Central Committee;
- (g) **Registration** means the scrutiny and registration of the Registrar on the submission of the Examiner together with remarks in relation to the applied Industrial Design after examining;
- (h) **Register** means a list recorded the documents of such Industrial Design, including grant or refusal of the Department for the registration of Industrial Design, by any means, including electronic means;
- (i) **Representation of Industrial Design** means the representation by product design or drawing of design used in the product or photo or graphic;
- (j) **Application Form** means the application form prescribed by the Ministry with the Notification under the Law.

Chapter II

Application For Registration

3. An applicant for registration of Industrial Design shall mention the application either in Myanmar or English language in the Application Form ID – 1 and apply to the Registrar by using any of the following means:

- (a) applying by electronic means prescribed by the Department;

- (b) applying to the Department by hand;
- (c) sending and applying through any postal service recognized by the State.

4. The following shall be mentioned in the application:

- (a) a request for registration of Industrial Design;
- (b) name and full address of the applicant:
 - (i) name and citizenship scrutiny card number of that person where the application is filed for an individual or passport number and full address if he is a foreigner, name, registration number, class, name of the country of entity established and full address of that legal entity where the application is filed for a legal entity;
 - (ii) names of the applicants, citizenship scrutiny card numbers where the application is filed by more than one person or passport number and full address if he is a foreigner.

NOTE: Names, citizenship scrutiny card numbers where the application is filed by the joint applicants (if any) or passport number and full address if he is a foreigner, shall be mentioned in the original application as appendix.

- (c) name of the country of citizenship, name of the country of permanent residence and name of the country of commerce or business established regardless of the applicant's nationality;
- (d) name, citizenship scrutiny card numbers and full address of the representative if the applicant appoints the representative;

NOTE: Application Form ID – 2 shall be attached to.

- (e) name, nationality and full address of the creator if the applicant is not a creator;

NOTE: Application Form ID – 1a shall be attached to.

- (f) class of product and sub-class included design which are mentioned in the International Classification of Industrial Design or class of product and sub-class of design which will be used;

- (g) representation of Industrial Design prescribed according to Chapter III of these Rules;

- (h) indication of product mentioned in the International Classification of Industrial Design;

NOTE: The indication of product shall be mentioned in writing.

- (i) a descriptive writing not more than 100 words about the representation of Industrial Design;

NOTE: The descriptive writing shall not be included the representations with respect to being a new Industrial Design or technical measures of Industrial Design or writings with respect to its usefulness.

- (j) number of Industrial Design;

NOTE: All products wished to apply, shall be included in the same class according to the International Classification of Industrial Design and the number of Industrial Design shall not be exceeded 100.

- (k) period of deferment if it wishes to defer the publication;

NOTE: The period of deferment shall not be exceeded 18 months from the date of filing the application or claiming the right of priority or the right of exhibition priority.

- (l) evidence that fees have been subscribed for the application of registration;
- (m) signature of the applicant or representative.

NOTE: Full name of the signer and the signed date shall be mentioned in signing. If the application has more than one person, the certified copy of the agreement among them shall be attached to, for signing by only one person on behalf of all applicants.

- 5. (a) If it claims the right of priority under the Law:
 - (i) date of application for the registration of Industrial Design in any member State of the Paris Convention or the World Trade Organization, application number, name of country and office, and serial number of Industrial Design shall be mentioned;
 - (ii) the applicant shall submit the certified copy of application included the filing date of previous application, application number, name of country and office either in Myanmar or English language within three months from the date of filing an application;
 - (iii) the applicant shall submit the documents for transfer of the right of priority by the previous applicant to the Registrar together with the application if he is not the previous applicant of the application;
- (b) if it claims the right of exhibition priority under the Law:
 - (i) date of display at the recognized international exhibition held in any member State to the Paris Convention or the World Trade Organization, name of country and exhibition shall be mentioned;

- (ii) the applicant shall submit the recognizable evidence issued by the exhibition authorities that the Industrial Design is actually disclosed at the exhibition within three months from the date of filing an application. Such evidence shall be the valid evidence that it is the Industrial Design used for class of product and indication of product in the application;
- (iii) evidences for each day shall be submitted if the date of held of the exhibition and the date of first display of the Industrial Design to the public are not the same;
- (iv) documents for transfer of such right of exhibition priority by the person who firstly displays the Industrial Design to the public at the exhibition shall be submitted to the Registrar together with the application if the applicant is not the person who firstly displays the Industrial Design to the public at the exhibition.

Chapter III

Representation of Industrial Design

- 6. In submitting the representations of Industrial Design, the applicant:
 - (a) shall mention it by drawing, photo or graphic;
 - (b) shall mention the drawing, photo or graphic in black and white or color;
 - (c) shall use white opaque A4 paper (it shall not be cardboard) and mention it on one surface of A4 paper. The size of drawing or photo shall not be exceeded 16 centimeter x 16 centimeter. It shall be mentioned by omitting 3 centimeter in the left edge of A4 paper;

- (d) shall mention it with the kind of digital photo (.JPG file) in the representation by electronic means and it shall be the representation which is not more than the size of two megabytes. The resolution shall have 300 x 300 dots (300 x 300 per inch (dpi));
- (e) shall remove words, texts or figures from representation if they are not relevant to the meaning of Industrial Design. If they are main parts of Industrial Design, it shall be mentioned that they are not relevant to the right of individual usage;
- (f) shall number each Industrial Design;
- (g) shall mention serial number on the side of every representation;
- (h) shall dot the middle of two numbers and number it where the different views of Industrial Design are numbered;

For example: 1.1, 1.2, 1.3, 1.4, 1.5 etc., shall be mentioned.
- (i) shall mention each Industrial Design with different numbers in the application included several Industrial Designs;

For example: 1.1, 2.1, 3.1, 4.1 etc., shall be mentioned.
- (j) shall provide qualified representation which can clearly see all parts of Industrial Design and use for publication;
- (k) shall mention only Industrial Design which falls in requirements for protection without containing anything. The background shall be mentioned with neutral color in submitting the Industrial Design. The background color shall be the color which can be seen clearly the shape of product included design;

- (l) shall mention parts excluded from protection of Industrial Design with short lines or dotted lines. If the protection is required for one part of the whole product, the part excluded from protection shall be mentioned with image or pale color in order to classify the design;
- (m) shall submit at least a photo of view for two-dimensional products. The views of front, back, left, right, top and bottom of Industrial Design disclosed the characteristics of Industrial Design from all points of view for three-dimensional products as well as the perspective view which can be generally seen Industrial Design shall be mentioned;
- (n) does not need to mention the characteristics of Industrial Design although the point of view is different but the same characteristics in mentioning them. A clear writing shall be included in the application for such matters.

For example: The writings that left side and right side of Industrial Design are identical etc., shall be mentioned.

7. Each representation of Industrial Design included surface with repeating pattern shall be mentioned with one perfect surface and such repeating part shall be mentioned enough.

8. If the applicant uses the names or portraits of living people in Industrial Design, he shall submit the approval of such people to the Registrar. Where the names or portraits of the deceased are used, the approval of the representative or successor of that person shall be submitted to the Registrar.

Chapter IV

Examination of Application

9. With regard to the application for registration of Industrial Design, the Registrar shall fix the date on which the application for registration of Industrial Design fulfilled with the stipulations of subsection (a) of section 22 of the Law is received, as the filing date of the application for registration in the State subject to the subscription of fees.

10. The Examiner shall:

- (a) submit the application together with his remarks to the Registrar if he finds that the application conforms to provisions of sections 21 and 22 of the Law completely;
- (b) notify the applicant to amend or submit the explanation within 30 days from the date of receipt of notice if he finds that the application does not conform to provisions of sections 21 and 22 of the Law with the approval of the Registrar;
- (c) consider that such application has been abandoned where the requirements are not fulfilled within the prescribed period under sub-rule (b);
- (d) continue it under subsection (c) of section 28 of the Law where the requirements are fulfilled within the prescribed period under sub-rule (b);
- (e) submit findings with his remarks to the Registrar after examining that whether or not the application meets with the definition of subsection (j) of section 2 of the Law or, whether or not it is the Industrial Design excluded from protection

in subsection (b) of section 16 of the Law if he receives the completed application under sub-rule (a) or the amended application under sub-rule (b);

11. The Registrar shall:

- (a) notify the applicant of refusal of the whole or part of the application and publish it to the public if the application submitted under sub-rule (e) of Rule 10 does not meet with the definitions of subsection (j) of section 2 of the Law or it is not the Industrial Design excluded from protection in subsection (b) of section 16 of the Law;
- (b) publish the information in respect of the application where the deferment of publication in the application is not requested if the submitted application under sub-rule (e) of Rule 10 meets with the definition of Industrial Design and conforms to provisions of subsection (b) of section 16 of the Law. Where the deferment of publication is requested, it shall be confidential until the requested period and the information in respect of such application shall be published where the requested period is expired.

12. In publishing the application for registration of Industrial Design by the Registrar under subsection (b) of section 30 of the Law, the following shall be included:

- (a) name and full address of the applicant;
- (b) name, citizenship scrutiny card number and full address of the representative if the representative is appointed;

- (c) representation of Industrial Design;
- (d) class of product and sub-class included design or class of product and sub-class in respect of design which will be used;
- (e) serial number of Industrial Design and indication of product;
- (f) filing date of application and application number;
- (g) data of the right of priority if the applicant claims the right of priority;
- (h) data of the right of exhibition priority if the applicant claims the right of exhibition priority;
- (i) mentioning the clear descriptive writing about the Industrial Design, if any.

13. With respect to the request for deferment of publication in accordance with subsection (c) of section 30 of the Law, the Registrar shall perform it in line with the following manners:

- (a) only the name of applicant, filing date of application, period of deferment shall be published if the applicant requests for the deferment of publication. Such publication shall not be included any information of representation and outer shape of Industrial Design;
- (b) all information of the applicant shall be published if the applicant requests to publish it after or before the expired period of deferment of the publication.

14. If it is found that more than one person apply for registration of identical or similar Industrial Designs on the same date or the same priority date, where the agreement is not

reached among them after consultation under subsection (b) of section 25 of the Law, the Registrar shall perform as follows:

- (a) negotiation by using appropriate ways;
- (b) cancellation of application for registration of such Industrial Design where the agreement on the negotiation under sub-rule (a) is not reached.

Chapter V

Reapplication

15. Where the loss of rights with respect to the application for registration of Industrial Design is occurred as the applicant fails to amend the application in accordance with the stipulation within 30 days from the date of receipt of notice, he may reapply for registration of Industrial Design to the Registrar within 60 days from the date of abandonment for failure, with Application Form ID – 3.

16. In reapplying under Rule 15, the following shall be included:

- (a) application number;
- (b) name, citizenship scrutiny card number and full address of the applicant;
- (c) name, citizenship scrutiny card number and full address of the representative if the representative is appointed;

NOTE: Application Form ID – 2 shall be attached to.

- (d) data in the notice under subsection (b) of section 28 of the Law have been amended completely and evidences thereof;

- (e) sufficient grounds for failure to re-submit it after amending within 30 days from the date of receipt of notice under subsection (b) of section 28 of the Law;
 - (f) evidence that fees are subscribed for first application of registration of Industrial Design;
 - (g) evidence that fees have been subscribed for reapplication of registration of Industrial Design.
17. With respect to reapplication, the Registrar shall:
- (a) notify the applicant to amend it within 30 days from the date of receipt of notice if he finds that the application does not fulfill with data of Rule 16;
 - (b) consider that such application has been cancelled if the applicant does not amend it within the prescribed period under sub-rule (a);
 - (c) accept the application if he finds that the application fulfills with data of Rule 16.

Chapter VI

Correction Of Clerical Errors And Other Mistakes That May Be Permitted To Correct

18. The applicant may apply to correct other mistakes that may be permitted to correct, which are not adding or correction of clerical error of application, translation and any document, and address of the applicant, business address of the representative and representation of Industrial Design or extension of number of Industrial Design to the Registrar with Application Form ID – 4.

19. In applying under Rule 18, the applicant shall apply it before the Registrar grants or refuses the registration of Industrial Design, or before the Agency makes final decision with respect to appeal against the decision of the Registrar.

20. In applying under Rule 18, the following shall be included:

- (a) application number;
- (b) filing date of application;
- (c) name, citizenship scrutiny card number and full address of the applicant;
- (d) name, citizenship scrutiny card number and full address of the representative where the representative is appointed;

NOTE: Application Form ID – 2 shall be attached to.

- (e) description for correction of any clerical error or other mistakes that may be permitted to correct;
- (f) evidence that fees have been subscribed for application to correct clerical error and other mistakes that may be permitted to correct.

21. With respect to the application for correction of clerical error and other mistakes that may be permitted to correct, the Registrar shall:

- (a) notify the applicant to amend it within 30 days from the date of receipt of notice if he finds that the application does not fulfill with data of Rule 20;
- (b) consider that such application has been cancelled if the applicant does not amend it within the prescribed period under sub-rule (a).

- (c) correct the requested data in the application and notify the applicant if he finds that the application fulfills with data of Rule 20.

22. The Registrar shall notify the Agency of the application if it applies for correction of clerical error and other mistakes that may be permitted to correct before the Agency makes final decision with respect to appeal against the decision of the Registrar and notify again the Agency of the measures as in Rule 21.

Chapter VII

Withdrawal Of Application

23. The applicant may apply to the Registrar for withdrawal before grant or refusal to register all or some Industrial Designs in the application of registration included more than one Industrial Design with Application Form ID – 5.

24. In applying under Rule 23, the following shall be included:

- (a) application number;
- (b) filing date of application;
- (c) name, citizenship scrutiny card number and full address of the applicant;
- (d) name, citizenship scrutiny card number and full address of the representative where the representative is appointed;

NOTE: Application Form ID – 2 shall be attached to.

- (e) serial number of Industrial Design and indication of product wished to be withdrawn;

NOTE: Serial number of each Industrial Design and indication of product shall be mentioned if it wishes to withdraw some Industrial Designs in the application included several Industrial Designs.

- (f) agreement or evidence signed by all applicants if the application has more than one applicant;

25. With respect to withdrawal of application for registration of Industrial Design, the Registrar shall:

- (a) notify the applicant to amend it within 30 days from the date of receipt of notice if he finds that the application does not fulfill with data of Rule 24;
- (b) consider that such application has been cancelled if the applicant does not amend it within the prescribed period under sub-rule (a);
- (c) withdraw all Industrial Designs where it is requested to withdraw all Industrial Designs or some requested designs where it is requested to withdraw some Industrial Designs in the application if he finds that the application fulfills with data of Rule 24. Such withdrawal shall be recorded in the register and the applicant shall be notified.

Chapter VIII

Classification Of Application

26. The applicant may apply to the Registrar for classification of the application included several Industrial Designs as more than one application, with Application Form ID – 6.

27. In applying for classification of application, the applicant shall apply it within the scope and number of Industrial Design which does not exceed the representation of Industrial Design requested in the original application.

28. In applying under Rule 26, the following shall be included:

- (a) application number;
- (b) filing date of application;
- (c) name, citizenship scrutiny card number and full address of the applicant;
- (d) name, citizenship scrutiny card number and full address of the representative where the representative is appointed;

NOTE: Application Form ID – 2 shall be attached to.

- (e) number of application for registration wished to be classified;
- (f) serial number of Industrial Design and indication of product wished to be classified, which will be included in the new application;
- (g) serial number of Industrial Design and indication of product remaining in the original application;
- (h) evidence that fees have been subscribed for application to classify Industrial Designs.

29. In applying for classification of application, the Registrar shall:
- (a) notify the applicant to amend it within 30 days from the date of receipt of notice if he finds that the application does not fulfill with data of Rule 28;
 - (b) consider that such application has been cancelled if the applicant does not amend it within the prescribed period under sub-rule (a);
 - (c) if he finds that the application fulfills with data of Rule 28:
 - (i) keep a separate file included the application for classification of each new application and copy of the original application completely;
 - (ii) prescribe the filing date of original application as the filing date of application for each application where it is applied for classification of the applications included several Industrial Designs in order to register as new application;
 - (iii) prescribe such priority date for each application classifiably applied where the right of priority is requested in the original application;
 - (iv) notify the applicant after prescribing new application number separately for each classified application;
 - (v) publish each new classified application in accordance with Rule 12.

30. The Registrar shall:

- (a) notify the applicant to apply classifiably the application within 30 days from the date of receipt of notice if the Industrial Designs included in the

application do not belong to the same class of the Locarno Agreement Establishing an International Classification for Industrial Designs;

- (b) specify only the Industrial Designs of the sole product included the Industrial Design which is firstly mentioned in the application as the applied Industrial Design if the applicant does not apply classifiably the application within the prescribed period under sub-rule (a).

Chapter IX

Opposition

31. With respect to the application for registration of Industrial Design under section 31 of the Law, the opponent may file an opposition within 60 days from the date of publication with Application Form ID – 7.

32. In filing an opposition under Rule 31, the following shall be included:

- (a) application number of the Industrial Design wished to be opposed;
- (b) filing date of application;
- (c) name of the applicant;
- (d) name and citizenship scrutiny card number of the opponent or passport number and full address if he is a foreigner, name, registration number, class, name of the country of entity established and full address of such entity where the application is filed for a legal entity;
- (e) name, citizenship scrutiny card number and full address of the representative if the opponent appoints the representative;

NOTE: Application Form ID – 2 shall be attached to.

- (f) reason of the Law fundamentally required for opposition;
- (g) reason of opposition;

NOTE: Evidences in relation to thereof shall be attached to.

- (h) serial number of Industrial Design and indication of product wished to be opposed;

NOTE: Serial number of each Industrial Design and indication of product wished to be opposed shall be mentioned where the opposition is filed for some Industrial Designs in the application included several Industrial Designs.

- (j) evidence that fees have been subscribed for opposition.

33. Two copies of all documents attached to the opposition shall be submitted.

Chapter X

Measures Of Opposition

34. When receiving the opposition, the Registrar:

- (a) shall notify the opponent of the refusal of opposition filed beyond the deadline after examining whether or not the opposition is filed within the prescribed period under section 31 of the Law;
- (b) shall notify the opponent to amend it within 30 days from the date of receipt of notice if he finds that the opposition filed within the prescribed period does not fulfill with data of Rule 32 after examining;
- (c) shall consider that such opposition has been cancelled if the opponent does not amend it within the prescribed period under sub-rule (b);

- (d) shall send the documents attached to the opposition of the opponent to the applicant if the opposition fulfills with data of Rule 32 and the applicant shall submit defences on the opposition together with two copies within 60 days from the date of receipt of notice;
- (e) shall send one copy of defence to the opponent if he receives the defence of the applicant and notify the opponent to send the rebuttal and valid evidences together with two copies within 60 days from the date of receipt of notice if there is further submission with respect to defence of the applicant;
- (f) may notify the relevant persons that they can submit further reasons or other documents within 30 days from the date of receipt of notice if he considers that further explanations are required;
- (g) may summon both parties for hearing if necessary;
- (h) shall decide the opposition based on the submitted reason, evidences and documents;
- (i) shall notify the relevant persons after recording the decision in the register and publish it to the public.

35. In publishing the grant or refusal with respect to the opposition for registration of Industrial Design, the following shall be included:

- (a) application number;
- (b) filing date of application;
- (c) name and full address of the applicant;

- (d) name, citizenship scrutiny card number and full address of the representative if the applicant appoints the representative;
- (e) summary of decision;
- (f) class of product and sub-class included design in the opposition or class of product and sub-class in respect of design which will be used and indication of product.

Chapter XI

Registration And Recordation

36. The Registrar shall notify the applicant for subscription of registration fees if he does not apply to oppose the application for registration of Industrial Design or if he withdraws any opposition applied or where the application is refused. If the applicant may not subscribe the registration fees within 60 days from the date of receipt of notice, it shall be considered that the registration has been abandoned.

37. In recording the grant or refusal for registration of Industrial Design, the following shall be included:

- (a) application number;
- (b) filing date of application;
- (c) name and citizenship scrutiny card number of the applicant or passport number and full address if he is a foreigner, name, registration number, class, name of the country of entity established and full address of such entity where the application is filed for a legal entity;

- (d) name, citizenship scrutiny card number and full address of the representative where the representative is appointed;
- (e) representation of Industrial Design;
- (f) class of product and sub-class included design or class of product and sub-class in respect of design which will be used and indication of product;
- (g) data of the right of priority if the applicant claims the right of priority;
- (h) data of the right of exhibition priority if the applicant claims the right of exhibition priority;
- (i) date of recordation in the register;
- (j) registration number of Industrial Design;
- (k) descriptive writing;
- (l) expired date of registration of Industrial Design;
- (m) data of which the Registrar considers that they are required to add in the register.

38. With respect to the application for registration of Industrial Design, the Registrar shall:

- (a) publish it to the public as in data of Rule 37 after recording the grant in the register where it is granted;
- (b) publish it to the public after recording the refusal in the register where it is refused;
- (c) issue the registration certificate of Industrial Design to the applicant where the registration is granted.

39. The Registrar shall scrutinize the application and issue the certified copy of registration certificate of Industrial Design if the owner of Industrial Design applies for damage or loss of the original registration certificate of Industrial Design to issue the certified copy by subscribing fees with Application Form ID – 8.

Chapter XII

Abandonment Of Right

40. The owner of Industrial Design may apply to the Registrar for abandonment of his rights in relation to the whole or part of registered Industrial Design with Application Form ID – 9.

41. In applying under Rule 40, the following shall be included:

- (a) registration number of Industrial Design;
- (b) name, citizenship scrutiny card number and full address of the owner of Industrial Design;
- (c) name, citizenship scrutiny card number and full address of the representative if the owner of Industrial Design appoints the representative;

NOTE: Application Form ID – 2 shall be attached to.

- (d) serial number of Industrial Design and indication of product wished to be abandoned;

NOTE: Serial number of each Industrial Design and indication of product wished to be abandoned, shall be mentioned if it wishes to abandon some Industrial Designs in the application included several Industrial Designs.

42. With respect to applying for the abandonment of right, the Registrar shall:

- (a) notify the owner of Industrial Design to amend it within 30 days from the date of receipt of notice if he finds that the application does not fulfill with data of Rule 41;

- (b) consider such application is voided, if the owner of industrial design does not submit it within the prescribed period under subrule (a);
- (c) record such abandonment in the register if the application fulfills the requirements under Rule 41 and publish it to the public.

Chapter XIII

Correction in Register

- 43. The owner of industrial design applies to correct clerical error that are recorded in the register or the information of nationality and address, any other mistakes that may be corrected, other than industrial design, classes and subclasses and indication of product, to the Registrar with Application Form (ID-10).
- 44. In applying for under rule 43, the following data shall be contained:
 - (a) the registration number of industrial design;
 - (b) the name of owner of industrial design, citizenship scrutiny card and full of address;
 - (c) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;
Note: it shall be submitted with Application Form (ID-2).
 - (d) data that the owner wants to correct in the register;
 - (e) the evidence that is subscribed fees for applying to correct the register.

45. With respect to application for correction of registration of industrial design, the Registrar shall:
- (a) notify to the owner of industrial design within 30 days from the date of receiving the notice and resubmit it, if data are not fulfilled the requirements under Rule 44;
 - (b) consider such application is voided, if the owner of industrial design does not submit it within the prescribed period under subrule (a);
 - (c) correct data in the register if data fulfill the requirements under Rule 44, and notify to the owner of industrial design.

Chapter XIV

Renewal for Registration

46. The owner of industrial design may apply to renew, within six months before arriving the term of expiration of registration or within sixth months for grace period after expiration of registration, to the Registrar with Application Form (ID-11).
47. In applying for under Rule 46, the following data shall be contained:
- (a) the registration number of industrial design;
 - (b) the name of owner of industrial design, citizenship scrutiny card and full of address;
 - (c) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;

Note: it shall be submitted with Application Form (ID-2)

- (d) the serial number of industrial design that the owner wants to renew and indication of product;

Note: The owner wants to renew some industrial design in the application of various industrial designs contained, each of serial number of industrial design and indication of product that continued to renew shall be mentioned in it.

- (e) the date of expiration of registration;

- (f) the evidence that is subscribed fees for applying to renew the registration.

Note: When there is applying for renewal of registration within sixth months for grace period after expiration of registration, the prescribed overdue fees shall be subscribed.

48. With respect to the application for renewal of registration, the Registrar shall:

- (a) notify to the owner of industrial design to renew data within six months before arriving the term of expiration of registration or within sixth months for grace period after expiration of registration and resubmit it, if those data are not fulfilled the requirements under Rule 47;
- (b) consider such application is voided, if the owner of industrial design does not submit it within the prescribed period under subrule (a) and record in the register as lapsed registration of industrial design and publish it to the public;
- (c) renew the registration of industrial design, under subrule (b) and (c) of Rule 47, if data fulfill the requirements, and record the changing of expired date of registration in register according to subsection (b) and (c) of section 44 of the Industrial Design Law. Then, the Registrar shall notify to the owner of

industrial design such verification that is already renewed and publish it to the public.

49. (a) With respect to publication related data of renewal for registration of industrial design, the following data shall be contained:
- (i) the registration number of industrial design;
 - (ii) the name of owner of industrial design, citizenship scrutiny card and full of address;
 - (iii) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;
 - (iv) class and subclass which contained design or class, subclass and indication of product connected with design to be used;
 - (v) the new date of expiration of registration.
- (b) With respect to publication related data of lapse for registration of industrial design, the following data shall be contained:
- (i) the registration number of industrial design;
 - (ii) the name of owner of industrial design, citizenship scrutiny card and full of address;
 - (iii) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;
 - (iv) class and subclass which contained design or class, subclass and indication of product connected with design to be used;
 - (v) the serial number of industrial design;
 - (vi) the reason of lapse of industrial design.

Chapter XV

Recording for Transferred Rights of Industrial Design

50. The owner of industrial design or transferee may apply to make a record for transfer of ownership related to all industrial design that are registered or some of them to any other person or legal entity, to the Registrar with Application Form (ID-12).
51. In applying for under Rule 50, the following data shall be contained;
- (a) the registration number of industrial design;
 - (b) the name of owner of industrial design, citizenship scrutiny card and full of address;
 - (c) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;
Note: it shall be submitted with Application Form (ID-2).
 - (d) the name and citizenship scrutiny card of transferee or passport number and full of address if he or she is foreigner, and the name, registration number, type, the name of State established in it and full of address of entity, if it is a legal entity;
 - (e) the name of representative if the transferee appoints a representative, citizenship scrutiny card and full of address;
Note: it shall be submitted with Application Form (ID-2).
 - (f) the name of State that the transferee takes a citizenship right from that State whatever he or she is any other nationality or the name of State that he or she domiciles as

permanent residence or the name of State that he or she makes the commerce or business established in that State;

- (g) the serial number of industrial design that the owner wants to transfer and indication of product;

Note: the owner wants to transfer some industrial design in the registration of various industrial designs contained, each of serial number of industrial design and indication of product that continued to transfer shall be mentioned in it.

- (h) The evidence of transfer of ownership:
 - (i) it shall be submitted the evidence which is a certified copy of mutual agreement between the owner of industrial design and transferee;
 - (ii) it shall be submitted the document signed by joint owner, in the case of application to record the transfer, if the industrial design is joint ownership.
- (i) the evidence that is subscribed fees applying to record for transfer of ownership.

52. With respect to application for recording the transfer of ownership of the industrial design, the registrar shall:

- (a) notify to the owner of industrial design or transferee within 30 days from the date of receiving the notice and resubmit it, if data are not fulfilled the requirements under Rule 51;
- (b) consider such application is voided, if the owner of industrial design or transferee does not submit it within the prescribed period under subrule (a);

- (c) record the transfer of ownership in the register if data fulfill the requirements, and notify to the owner of industrial design and transferee and also publish it to the public.
53. In the case of containing various industrial design registered, if the application is related to record the transfer of some industrial design, the registrar shall:
- (a) differentiate and specify the list of number of industrial designs remained between the original register and industrial designs transferred, without overlapping;
 - (b) record as a new registration contained all data of original registration in order to connect between the application for original registration and application for some industrial design to register later;
 - (c) issue a new registration number of industrial design in the recording of transfer of ownership relating to some industrial design.
54. Relating to publication for recording the transfer of ownership of industrial design, the following data shall be contained:
- (a) the registration number of industrial design;
 - (b) class of product and subclass which contained design or class, subclass and indication of product connected with design to be used;
 - (c) the name and full of address of transferee;
 - (d) the name of representative if the transferee appoints a representative, citizenship scrutiny card and full of address;
 - (e) representation of industrial design.

55. In the case of the application for recording transfer of application for registration of industrial design, it shall be applied in same means of recording transfer of ownership of industrial design.

Chapter XVI

Recording for Licence

56. The owner of industrial design or his licensee may apply to record the licence of registered industrial design, to the Registrar with Application Form (ID-13).

57. In applying for under rule 56, the following data shall be contained;

- (a) the registration number of industrial design under licence;
- (b) the name of owner of industrial design, citizenship scrutiny card and full of address;
- (c) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;

Note: it shall be submitted with Application Form (ID-2).

- (d) the name and citizenship scrutiny card of licensee or passport number and full of address if he or she is foreigner, and the name, registration number, type, the name of State established in it and full of address of entity, if it is a legal entity;
- (e) the name of representative if the licensee appoints a representative, citizenship scrutiny card and full of address;

Note: it shall be submitted with Application Form (ID-2).

(f) the name of State that the licensee takes a citizenship right from that State whatever he or she is any other nationality or the name of State that he or she domiciles as permanent residence or the name of State that he or she makes the commerce or business established in that State;

(g) the serial number of industrial design that the owner wants to record the licence and indication of product;

Note: the owner wants to record the licence some industrial design in the registration of various industrial designs contained, each of serial number of industrial design and indication of product that continued to record the licence shall be mentioned in it.

(h) the representation of industrial design under licence;

(i) the term of licence;

(j) the description of certain territory if a part of territory is granted to do the licence within registered territories of a State;

(k) the evidence that is subscribed fees applying for licence.

58. (a) it shall be submitted the evidence which is a certified copy of mutual agreement between the owner of industrial design and licensee to record the licence;

(b) it shall be submitted the document signed by joint owner, in the case of application to record the licence, if the industrial design is joint ownership.

59. With respect to application for recording of licence, the registrar shall:

(a) notify to the owner of industrial design or licensee within 30 days from the

date of receiving the notice and resubmit it, if data are not fulfilled the requirements under Rule 57 and 58;

- (b) consider such application is voided, if the owner of industrial design or licensee does not submit it within the prescribed period under subrule (a);
- (c) record the licence in the register if data fulfill the requirements, and notify to the owner of industrial design and his or her licensee and also publish it to the public.

60. With respect to publication related data of recording the licence, the following data shall be contained:

- (a) the registration number of industrial design that is granted under licence;
- (b) the name of owner of industrial design and full of address;
- (c) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;
- (d) the name of licensee and full of address;
- (e) the name of representative if the licensee appoints a representative, citizenship scrutiny card and full of address;
- (f) class of product and subclass which contained design or class, subclass and indication of product connected with design to be used;
- (g) the description of certain territory if a part of territory is granted to do the licence within registered territories of a State;
- (h) the representation of industrial design under licence;
- (i) the term of licence;

Chapter XVII

Cancellation of Licence

61. The owner of industrial design or his or her licensee may apply to cancel for recorded licence of registered industrial design under section 57 of the Industrial Design Law, to the Registrar with Application Form (ID-14) before the expiration of licence under subrule (i) of rule 60.

62. In applying for under rule 61, the following data shall be contained;

- (a) the registration number of industrial design that is granted under licence;
- (b) the name of owner of industrial design, citizenship scrutiny card and full of address;
- (c) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;

Note: it shall be submitted with Application Form (ID-2).

- (d) the name and citizenship scrutiny card of licensee or passport number and full of address if he or she is foreigner, and the name, registration number, type, the name of State established in it and full of address of entity, if it is a legal entity;
- (e) the name of representative if the licensee appoints a representative, citizenship scrutiny card and full of address;

Note: it shall be submitted with Application Form (ID-2).

- (f) the name of State that the licensee takes a citizenship right from that State whatever he or she is any other nationality or the name of State that he or she

domiciles as permanent residence or the name of State that he or she makes the commerce or business established in that State;

- (g) the serial number of industrial design that the owner wants to cancel the record of registration and indication of product;

Note: the owner wants to cancel recorded licence for some industrial design in the registration of various industrial designs contained, each of serial number of industrial design and indication of product shall be mentioned in it.

63. Relating to application for cancellation the recorded licence, any of the following evidence shall be submitted and attached to:

- (a) related documents for the application of cancellation the recorded licence;
- (b) the mutual agreement between the owner of industrial design and licensee signed relating to the application of cancellation.

64. Relating to application for cancellation of recorded licence, the registrar shall:

- (a) notify to the owner of industrial design or his or her licensee within 30 days from the date of receiving the notice and resubmit it, if data are not fulfilled the requirements under Rule 62 and 63;
- (b) consider such application is voided, if the owner of industrial design or the licensee does not submit it within the prescribed period under subrule (a);
- (c) cancel recorded licence in the register if data fulfill the requirements under Rule 62 and 63, and notify to the owner of industrial design and his or her

licensee and also publish it to the public.

65. With respect to publication related data of cancellation for recorded licence, the following data shall be contained:
- (a) the registration number of industrial design that is granted under licence;
 - (b) the name of owner of industrial design and full of address;
 - (c) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;
 - (d) the name of licensee and full of address;
 - (e) the name of representative if the licensee appoints a representative, citizenship scrutiny card and full of address;
 - (f) class of product and subclass which contained design or class, subclass, indication of product and serial number of industrial design connected with design to be used, that is applied for cancellation in the recorded register.

Chapter XVIII

Invalidation and Cancellation of Registration of Industrial Design

66. When the application for invalidation and cancellation of the whole or part of the registration of the industrial design shall be submitted with to the Registrar Application Form (ID-15), it shall also subscribe the prescribed fees in accepting and examining of application.
67. It shall be contained, in the application under rule 59, the following data;
- (a) the registration number of industrial design that is applied for invalidation;

- (b) the name of owner of industrial design, citizenship scrutiny card and full of address;
- (c) the name and citizenship scrutiny card of the person applied for invalidation or passport number and full of address if he or she is foreigner, and the name, registration number, type, the name of State established in it and full of address of entity, if it is a legal entity;
- (d) the name of representative if the person applied for invalidation appoints a representative, citizenship scrutiny card and full of address;

Note: it shall be submitted with Application Form (ID-2).

- (e) the basic legal grounds for application of invalidation;
- (f) the reason for application of invalidation;

Note: it shall be submitted the sufficient evidence for that application.

- (g) the representation of industrial design under application of invalidation;
- (h) class of product and subclass and indication of product which contained design that is applied for invalidation;
- (i) the evidence that is subscribed fees applying for invalidation.

68. Relating to application for invalidation the recorded industrial design, two copies of relevant documents shall be submitted with it.

69. With respect to application for invalidation of recorded licence, the registrar shall:
- (a) notify to the person applied for invalidation within 30 days from the date of receiving the notice and resubmit it, if data are not fulfilled the requirements under rule 67;
 - (b) consider such application is voided, if it does not submit within the prescribed period under subrule (a);
 - (c) notify to the owner of the industrial design with the application for invalidation and attached documents submitted by the person who applied for invalidation under data fulfill the requirements under section 67, and the owner of industrial design shall also return it and submit with two copies of his or her defence relating to the application for invalidation within 30 days from the date of receiving the notice to the Registrar;
 - (d) deliver a copy of defence of the owner of industrial design to the person who applied for invalidation after receiving the defence from the owner of industrial design, and notify to the person who applied for invalidation in order to submit two copies of rebuttal and evidence again, if that person wants to resubmit it based on the defence of the owner of industrial design, within 60 days from the date of receiving the notice;
 - (e) notify to the person concerned in this matter to submit the further reason or evidence, if the registrar considers providing further explanations are needed, within 30 days from the date of receiving the notice;
 - (f) summon to appear both parties for hearing, if necessary;

- (g) decide on the ground of the reason submitted, evidence and documents to publish the decision of invalidation or continued validation of the registration of industrial design;
- (h) record the decision of validation in the register if the industrial design is recognized as continued validation, notify it to the owner of industrial design and the person who applied for invalidation;
- (i) record the decision of invalidation in the register if the industrial design is recognized as invalidation, notify it to the owner of industrial design and the person who applied for invalidation and publish it to the public;
- (j) record the cancellation in the register relating to invalidation of industrial design published and notify such cancellation to the owner of industrial design and publish it to the public.

70. With respect to publication under subrule (j) of Rule 69, the following data shall be contained:

- (a) the registration number of industrial design;
- (b) the name of owner of industrial design and full of address;
- (c) the name of representative if the owner of industrial design appoints a representative, citizenship scrutiny card and full of address;
- (d) the reason of cancellation of registration of industrial design;
- (e) class of product and subclass and indication of product which contained design that is applied for cancellation relating to registration of industrial design;
- (f) the date of cancellation of registration;

Chapter XIX

Appointing Representative and Conferring Authority

71. (a) If the applicant, opposer, rightsholder or an interested person appoint a representative to perform his or her responsibilities in any application including application for registration of industrial design, the representative who is attained the age of 18 years and lived in the State, hold the citizenship scrutiny card and fulfilled with the prescribed qualification shall be appointed with Application Form (ID-2). In the case of appointing a representative, the following data shall be contained:
- (i) the name and full of address of any applicant, opposer, rightsholder or an interested person;
 - (ii) the name, citizenship scrutiny card and full of address of representative;
 - (iii) the application number related to appointing a representative or registration number of industrial design;
 - (iv) the date of appointing a representative;
 - (v) the authority of representative;
 - (vi) the signature of any applicant, opposer, rightsholder or an interested person in the appointment of representative;
- (b) If any applicant, opposer, rightsholder or an interested person is not a permanent residence in the State or stays aboard, the Application Form (ID-2) which is approved by the notary public from the State domiciled or operating business established in that State shall be attached and submitted it.

72. The address of permanent residence or operating business of a representative shall be situated within the State.
73.
 - (a) If the representative is appointed to perform the responsibilities, the registrar shall contact the representative relating to performing in some matter.
 - (b) The contact and performance of a representative who is appointed shall be considered any performance as to be an applicant, opposer, rightsholder or an interested person.
74. Although the representative is appointed more than one person in the appointment of representative, it shall be mentioned the name of one representative relating to the application for industrial design or any other application. Then, the registrar shall contact such person as a representative.
75. Any applicant, opposer, rightsholder or an interested person shall submit a copy of Application Form (ID-2), if they appoint a representative to perform on behalf of them relating to any application including application for registration of industrial design.
76. The Registrar shall notify to the representative to submit original Application Form (ID-2) relating to the appointment of representative within 30 days from the date of notice, if necessary.
77. The Registrar shall contact any applicant, opposer, rightsholder or an interested person in any performance, if they do not appoint the representative or it does not conform with the stipulations of this Rule relating to the appointment of representative.
78.
 - (a) Any applicant, opposer, rightsholder or an interested person signs and applies to cancel the registered name of representative to the Registrar with Application Form (ID-17) in any time.

- (b) It shall be contained, in the application, the following data:
- (i) the name and full of address of any applicant, opposer, rightsholder or an interested person;
 - (ii) the name of representative to be cancelled, citizenship scrutiny card and full of address;
 - (iii) the application number for cancellation of representative or registration number of industrial design;
 - (iv) the date applied for cancellation of the name of representative;
- (c) The date applied for cancellation of the name of representative under sub-paragraph (4) of subrule (b) shall be considered as effected date of cancellation for the appointment of representative;
- (d) The Registrar shall cancel registered data of representative, in the case of changing appointment of representative or new applicant or new owner of industrial design relating to the recording of changing owner, in relevant industrial design.
- (e) The date received by the Registrar for the application mentioned under subrule (d) shall be considered as effected date of cancellation for the appointment of representative;
- (f) The Registrar shall notify the cancellation to any applicant, opposer, rightsholder or an interested person and the effected date of such cancellation.

79. Any applicant, opposer, rightsholder or an interested person shall subscribe the fees for examining in any appointment of representative relating to the appointment of representative and submit it with necessary documents and Application Form (ID-16) to the Registrar.

Chapter XX

Miscellaneous

80. When any application under the Industrial Design Law and this Rule shall be submitted it with the Application Form prescribed by the Ministry.
81. The agency shall subscribe the fees as the prescribed stipulations through the Central Committee, with the approval of the Union Government, relating to registration of industrial design.
82. The application for registration of industrial design shall contain in one class under Locarno Classification. One industrial design or more than one may be applied for the application of registration and the owner of the industrial design shall subscribe the prescribed fees based on the number of designs, if it is more than one industrial design.
83. If the applicant wants to postpone the publication relating to application for registration of industrial design, he or she shall subscribe the prescribed fees for that matter.
84. Any person who is dissatisfied with any decision made by the Registrar may appeal to the agency, under the stipulations of rule of agency, within 60 days from the date of publication such decision.

85. When the publication of representation of industrial design under this Rule to the public shall publish an image of industrial design with all dimensions of the whole industrial design.
86. When the publication of registration of industrial design shall publish it by electronic means through the official website of the Department or publication book made by the Department.
87. If the documents and other communication documents attached with the application which are submitted to the Registrar, in accordance with the Industrial Design Law and this Rule, are not mentioned in Myanmar or English language, they shall be translated into Myanmar or English language. The applicant or his or her representative shall sign the signature on the acknowledgement relating to such translation which is authentic in use.
88. Relating to the calculation of term, it shall be based on the following stipulations:
- (a) it shall be counted from the date of commence relating to any term, in the case of calculation of expiry based on annually. If started day of calculation is 29th, February, the expired day of such calculation 28th, February of the year which is expired in the term.
 - (b) it shall be counted from the date of commence relating to any term, in the case of calculation of expiry based on monthly. There is a different number of days in different month, it shall be considered the last day of each month as the expiry.
 - (c) The calculation of expiry shall be counted from the date of fixing the term in any case.

- (d) Notwithstanding anything contained in subrule (a), (b) or (c), if the prescribed term expires on public holiday, the first day of reopening the office after such holiday shall be resumed the expiry.
- 89.
- (a) The applicant for extending the prescribed term under the Industrial Design Law and this Rule may apply with Application Form (ID-18) to the Registrar after subscribing fees based on sufficient grounds before expiration of prescribed period.
 - (b) The Registrar shall examine the application under subrule (a) and extend the term if it is sufficient ground and notify to the applicant. The extended term may be granted 30 days at one time within a maximum of two times.
 - (c) It shall not be granted further extension, other than in the case of unforeseeable events may be granted 30 days at one time, such as natural disaster events, if the registrar has granted the extension under subrule (b).
90. The registrar shall:
- (a) notify Application Forms specified and published by the Ministry to the public to be used relating to registration of industrial design;
 - (b) notify prescribed subscribing fees made by agency related to the registration of industrial design, through the Central Committee, with the approval of the Union Government and specified means for subscription made by the Department to the public to be used.
91. The fees which is subscribed shall not be refunded under any circumstances.

92. This Rule shall come into effect on the date of the Industrial Design Law come into force.

Sd./

Htun Ohmn

Union Minister

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(With all respectfully request, for further circulation to membership associations)

By Order

Dr. Moe Moe Thwe

Director General