

The Republic of the Union of Myanmar
Ministry of Commerce
Notification No. 70/ 2023
The 9th Waning Day, 1385 M.E.
(23rd October, 2023)

The Ministry of Commerce in exercising of the authority conferred by clause (i) of subsection (b) of section 101 of the Copyright Law, with the approval of the Union Government, hereby issues the following Rules.

Chapter I

Title and Definition

1. These Rules shall be called the Registration Rules for Literary or Artistic Work, and Related Rights.
2. The expressions contained in this Rules shall have the same meanings as expressions of Copyright Law. Then, the following expressions shall have meanings given below:
 - (a) **Law** means the Copyright Law;
 - (b) **Applicant** means a person or legal entity described as the applicant in any form of registration for literary or artistic work or related rights;
 - (c) **Related rights** mean the performance, phonogram and broadcasting;
 - (d) **Representative** means the agency of literary or artistic work or related rights or a representative conferred, in accordance with Rules 40, to perform responsibilities on behalf of the applicant to the Registrar;

- (e) **Fees** mean the prescribed fees, through the Central Committee, subscribed by the agency under the Copyright Law and this Rules with the approval of Union Government;
- (f) **Registration** means registration made by the Registrar after examining whether it is in line with the stipulations relating to the literary or artistic work or related rights applied;
- (g) **List of Register** means recorded list using any mean including electronic mean coded all related data of giving permission to register or refuse for registration relating to literary or artistic work or related rights by the department;
- (h) **Application Form** means the application form prescribed under notification issued by the Ministry;
- (i) **Department** means Department of Intellectual Property Rights, the Ministry of Commerce.

Chapter II

Apply for Registration

3. Any author or owner of copyright or owner of related rights may apply, with application form (CR-1) if he or she wish to register literary or artistic work and with application form (CR-2) if he or she wish to register related rights, to the Registrar in order to have sufficient evidence relating to the literary or artistic work or related rights.

4. The accepting and examining fees of application shall be subscribed in the case of applying for registration.

5. (a) the following a natural person or the legal entity may apply for registration:
 - (i) an author of any work;
 - (ii) performer;
 - (iii) producer of phonogram; or
 - (iv) broadcasting entity.

- (b) Any person who has been transferred the economic rights or legal entity in any of the following means, may apply for registration:
 - (i) inheritance under any existing law or custom;
 - (ii) transfer by testament;
 - (iii) gift or donation;
 - (iv) transfer of ownership under any existing law.

6. (a) The application for registration shall be submitted to the Registrar in Myanmar or English language under any following means:
 - (i) applying with electronic mean prescribed by the department;
 - (ii) appearing in person and applying to the department;
 - (iii) sending the application by postal service recognized by the State.

- (b) If the description is any other language, other than in Myanmar or English language, it shall be mentioned in English language (Name, Address, Name of Entity, Name of Region).

7. When the applying for registration under Rules 3 shall be submitted following attachments with the application:

- (a) Admission of own creation or work relating to literary or artistic work applied for registration, if he or she is the author;
- (b) Admission of own creation relating to performance, phonogram or broadcasting applied for registration, if it is the performer, producer of phonogram or broadcasting;
- (c) If legal successor of owner of copyright or related rights shall submit:
 - (i) death certificate of owner of copyright or related rights;
 - (ii) in the case of inheritance under any existing law or custom;
 - (aa) birth certificate or testament recognized as legal successor or testamentary succession issued by the court or other evidence, if he or she is a son or daughter of owner of copyright or related rights;
 - (bb) evidence of being lawfully married husband or wife or testament recognized as legal successor or testamentary succession issued by the court or other evidence, if he or she is a husband or wife of owner of copyright or related rights;

- (cc) evidence and admission declared solely legal successor and no any other person being succeeded in the case of successor who is not a husband or wife or son or daughter of the owner of copyright or related rights or testament or testamentary succession issued by the court;
- (d) If a natural person who has been transferred the economic rights under any existing law shall submit;
 - (i) evidence with the signature of letter of transfer economic rights from the owner of copyright or related rights; or
 - (ii) evidence with the signature of letter of transfer economic rights from joint owner of copyright or related rights;
- (e) The evidence with the signature of letter of gift or donation any economic rights from the owner of copyright or related rights, if a natural person has been gifted or donated economic rights;
- (f) The appointment of representative if he or she is conferred as a representative (the applicant is not a permanent resident in the State or stay aboard, duplicate of the appointment of representative which is approved by the notary public from the State domiciled or legal entity established by the applicant, as an authentication);
- (g) The evidence that is subscribed for fees;

- (h) A copy of disc, gramophone record or any other medium or phonogram inserted literary or artistic work or performance or broadcasting by electronic means or a copy of literary if it is only literary;
 - (i) The evidence of letter of representation signed by all applicants to an applicant to perform responsibilities on behalf of them, if the applicant is more than one person;
 - (j) The evidence of letter of authorization to perform responsibilities on behalf of the entity, if the applicant applies with the name of legal entity;
 - (k) A brief of literary or artistic work or related rights;
 - (l) The title of original literary or artistic work, the name of original author and the evidence of letter of consent signed by the original author, if it is a secondary work;
 - (m) The name of joint applicant, another name (if any), citizenship scrutiny card number, passport number (if applicant is foreigner), nationality, the name of State domiciled as permanent residence, full of address;
8. The application for registration shall be connected with the literary or artistic work or related rights.

Chapter III

Correction of Clerical Error and Other Mistakes

9. The applicant wants to correct other mistakes as clerical error in the application or documents and address of the applicant, type of literary or artistic work or related rights and the text of brief in description of such rights which may be corrected, he or she may

apply to the registrar to correct those mistakes with Application Form (CR-3) after subscribing fees.

10. The applicant shall apply for correction under Rule 9 before the registrar makes the decision on registration or before the Agency makes the decision on the appeal against the decision of the Registrar.
11. The applicant shall apply with, under Rule 9, the following attachments:
 - (a) The appointment of representative if the applicant is conferred a person as a representative (the applicant is not a permanent resident in the State or stay aboard, duplicate of power of attorney which is approved by the notary public, as an authentication, from the State domiciled or legal entity established by the applicant);
 - (b) The evidence that is subscribed for fees;
 - (c) The evidence of letter of authorization to perform responsibilities to a person who signed on such application on behalf of the entity, if the applicant applies with the name of legal entity;
12. With respect to the application for correction of clerical error and other mistakes that may be corrected, the registrar shall:
 - (a) notify to the applicant within 30 days from the date of receiving the notice and re-submit it, if data do not fulfill the requirements;
 - (b) consider such application is voided, if the applicant does not submit it within the prescribed period under subrule (a);

- (c) correct the application relating to the clerical error that may be claimed to correct and other mistakes that may be corrected, if data fulfill the requirements, and notify to the applicant.
13. If the agency applies to the Registrar under Rule 9 before making decision relating to the appeal against the decision of registrar, the registrar shall request the documents that is submitted at the agency and return those documents after conducting Rule 12.

Chapter VI

Withdrawing Application

14. The applicant shall, before making decision of the registrar relating to application for registration of literary or artistic work or related rights and before making decision of the agency relating to appeal against the decision of Registrar, apply to withdraw with Application Form (CR-4) to the Registrar related to application for registration.
15. The applicant shall apply with, under Rule 9, the following attachments:
- (a) The appointment of representative if the applicant is conferred as a representative (the applicant is not a permanent resident in the State or stay aboard, duplicate of the appointment of representative which is approved by the notary public, as an authentication, from the State domiciled or legal entity established by the applicant);
 - (b) The evidence of letter of consent to withdraw the application for registration signed by all applicants, if the applicant is more than one person;

- (c) The evidence of letter of authorization to perform responsibilities to a person who signed on such application on behalf of the entity, if the applicant applies with the name of legal entity.
16. With respect to the application for withdrawing of registration, the Registrar shall:
- (a) notify to the applicant within 30 days from the date of receiving the notice and resubmit it, if data do not fulfill the requirements;
 - (b) consider such application is voided, if the applicant does not submit it within the prescribed period under subrule (a);
 - (c) withdraw the application for registration, if data fulfill the requirements, and notify to the applicant such withdrawal.
17. If the agency applies to the Registrar under Rule 14 before making decision relating to the appeal against the decision of Registrar, the Registrar shall request/seek the documents that is submitted at the agency and return those documents after conducting Rule 16.

Chapter V

Registration and Recording

18. Relating to the application for registration relating to literary or artistic work or related rights, the registrar shall:
- (a) notify to the applicant within 30 days from the date of receiving the notice and to resubmit it, if data are not fulfilled the requirements under Rule 5, 6, 7 and 8;

- (b) consider such application is voided, if the applicant does not submit it within the prescribed period under subrule (a);
19. Relating to the application for registration that fulfils all data under Rule 5, 6, 7 and 8, the Registrar shall examine as follows:
- (a) with respect of literary or artistic work;
 - (i) whether they are involved in the works are protected under section 13, 14 and 15 of the Copyright Law;
 - (ii) whether they are involved in the works are not protected under section 16 of the Copyright Law;
 - (iii) whether they are protected under subsection (a) and (e) of section 12 of the Copyright Law;
 - (iv) whether the term of protection for economic rights is remained under subsection (a) of section 17 of the Copyright Law.
 - (b) with respect to the related rights;
 - (i) whether they are involved in the works are not protected under section 16 of the Copyright Law;
 - (ii) whether they are protected under subsection (b), (c), (d) and (e) of section 12 of the Copyright Law;
 - (iii) whether the term of protection for economic rights is remained under subsection (b) of section 38, subsection (b) of section 39 and subsection (c) of section 40 of the Copyright Law.
20. With respect to the application for registration under section 50 of the Copyright Law, the registrar shall:
- (a) record in the list of register and notify the applicant if the registration is granted and also declare data explored under Rule 21;

- (b) record in the list of register and notify the applicant if the registration is refused;
 - (c) issue the Certificate of Copyright Registration to the applicant if registration is granted.
21. With respect to recording of such grant or refusal in the list of registration under subsection (b) of the section 50 of the Copyright Law, the following data shall be contained:
- (a) the number of application;
 - (b) the date of application;
 - (c) the name of person if the applicant applies by using individual name, another name (if any), citizenship scrutiny card number, passport number (if applicant is foreigner), nationality, the name of State domiciled as permanent residence and full of address and then the name of entity, registration number and type, the State established and full of address, if the applicant apply with the name of legal entity;
 - (d) the name of representative, citizenship scrutiny card number and full of address if the applicant appoints a representative;
 - (e) the title of literary or artistic work or related works;
 - (f) the type of literary or artistic work or related works;
 - (g) the date of recording in the list of registration;
 - (h) citizenship scrutiny card number;
 - (i) the date of creation, publication if it is publicized, performance, broadcasting, fixation and the official date of communication to the public;

- (j) the term of protection;
 - (k) the decision of grant or refusal of registration.
22. The owner of copyright applies to issue the certified copy of the Certificate of Copyright Registration after subscribing fees with Application Form (CR-5) under subsection (a) of section 51 of the Copyright Law, if the original certificate is damaged or lost, the Registrar shall examine the application and issue it.

Chapter VI

Correction in Register

23. The owner of copyright or related rights may apply to the Registrar to correct the clerical error that recorded in the register or other mistakes that may be permitted to correct after subscribing fees with Application Form (CR-6).
24. The applicant shall apply with, under Rule 9, the following attachments:
- (a) The appointment of representative if the applicant is conferred a person as a representative (the applicant is not a permanent resident in the State or stay aboard, duplicate of the appointment of representative which is approved by the notary public, as an authentication, from the State domiciled or legal entity established by the applicant);
 - (b) The evidence that is subscribed for fees;
 - (c) The evidence of letter of representation signed by all applicants to an applicant to perform responsibilities on behalf of them, if the applicant is more than one person;
 - (d) The evidence of letter of authorization to perform responsibilities to a person who signed on such application on behalf of the entity, if the applicant applies with the name of legal entity;

25. With respect to the application for correction of register, the Registrar shall:
- (a) notify the applicant to fulfill it within 30 days from the date of sending the notice if he finds that the application does not fulfill with data;
 - (b) consider that such application has been cancelled if the applicant does not fulfill it within the prescribed period under sub-rule (a);
 - (c) notify the applicant after amending it in the register if the application fulfills with data.

Chapter VII

Recordation For Transfer Of Economic Rights, Amendment Or Cancellation Of Transferred Records

26. The transferee may apply to the Registrar to record the transfer under subsection (a) of section 35 of the Law with Application Form CR – 7 by subscribing fees if the owner of Copyright or Related Rights transfers the whole or part of economic rights thereof to any other person or a legal entity.

27. In applying the recordation for transfer of economic rights under Rule 26, the following shall be attached to the application:

- (a) if it is the inheritance under any existing law or custom:
 - (i) evidence for the death of owner of Copyright or Related Rights;

- (ii) birth certificate or other evidence if he or she is the issue of owner of Copyright or Related Rights;
 - (iii) evidence of legal spouse if he or she is the spouse of owner of Copyright or Related Rights;
 - (iv) evidence and acknowledgement that he or she is the sole heir and there is no other heir if he or she is the heir who is not the spouse or issue of owner of Copyright or Related Rights;
- (b) such testament if the owner of Copyright or Related Rights who has the right to write a testament, transfers by testament;
- (c) evidence of such gift or donation if the owner of Copyright or Related Rights gifts or donates the economic rights;
- (d) if it is the transfer of ownership under any existing law:
 - (i) evidence that the owner of Copyright or Related Rights transfers the economic rights;
 - (ii) evidence that the joint owners of Copyright or Related Rights transfer the economic rights if it is the joint ownership;
- (e) if it is the licensing:
 - (i) evidence that the owner of Copyright or Related Rights transfers the economic rights by licensing;
 - (ii) evidence that the joint owners of Copyright or Related Rights transfer the economic rights by licensing if it is the joint ownership;

- (f) power of attorney if it assigns the attorney, (the copy of power of attorney certified by the Notary Public in the country of permanent residence or the country of legal entity established if the applicant is a person who does not reside permanently in the country or who resides abroad);
- (g) evidence that fees have been subscribed;
- (h) evidence for signing of all applicants that they delegate to one applicant to sign on behalf of them if the application has more than one applicant;
- (i) evidence for permission of signing to the signer on behalf of such entity where the application is filed for a legal entity.

28. With respect to the application for recording the transfer of economic rights, the Registrar shall:

- (a) notify the applicant to fulfill it within 30 days from the date of sending the notice if he finds that the application does not fulfill with data;
- (b) consider that such application has been cancelled if the applicant does not fulfill it within the prescribed period under sub-rule (a);
- (c) notify the applicant after recording the transfer of economic rights and mention the data of Rule 29 and publish it if he finds that the application fulfills with data.

29. In recording the transfer of economic rights under section 36 of the Law, the following shall be included:

- (a) registration number;
- (b) name and citizenship scrutiny card number of the transferor, passport number, nationality , name of the country of permanent residence and full address if he is a foreigner, name, registration number and class, name of the country of entity established and full address of that entity if it is a legal entity;
- (c) name and citizenship scrutiny card number of the transferee, passport number, nationality, name of the country of permanent residence and full address if he is a foreigner, name, registration number and class, name of the country of entity established and full address of that entity if it is a legal entity;
- (d) title relating to matter of transferred Copyright or Related Rights;
- (e) transferred method of economic rights;
- (f) class of transferred economic rights;
- (g) transferred term of economic rights;
- (h) date of transfer.

30. The transferor or transferee of economic rights may apply to the Registrar to amend or cancel the transferred records with Application Form CR- 8.

31. In applying the amendment or refusal of transferred records of economic rights, service fees for examination shall be subscribed.

32. In applying under Rule 30, the following shall be attached to the application:

- (a) power of attorney if the owner of Copyright or Related Rights assigns the attorney, (the copy of power of attorney certified by the Notary Public in the country of permanent residence or the country of legal entity established if the transferor is a person who does not reside permanently in the country or who resides abroad);
- (b) power of attorney if the transferee assigns the attorney, (the copy of power of attorney certified by the Notary Public in the country of permanent residence or the country of legal entity established if the transferee is a person who does not reside permanently in the country or who resides abroad);
- (c) evidence that fees have been subscribed;
- (d) evidence in respect of the application;
- (e) evidence for signing of the transferor and transferee for agreement of the application;
- (f) evidence for permission of signing to the signer on behalf of such entity if the application is filed for a legal entity.

33. With respect to the application for amendment or cancellation of recording the transfer of economic rights, the Registrar shall:

- (a) notify the applicant to fulfill it within 30 days from the date of sending the notice if he finds that the application does not fulfill with data;

- (b) consider that such application has been cancelled if the applicant does not fulfill it within the prescribed period under sub-rule (a);
- (c) notify the applicant after recording the amendment or cancellation for the record of transfer of economic rights and publish the data of Rule 29 and amendments or cancellation if he finds that the application fulfills with data.

Chapter VIII

Cancellation Of Registration

34. The relevant person or entity may apply to the Registrar for cancellation of such registration with Application Form CR – 9 under section 55 of the Law if it is found that any right with respect to the registered Copyright or Related Rights has an effect on any or several persons.

35. In applying the cancellation of registration, service fees for examination shall be subscribed.

36. In applying the cancellation of registration of Copyright or Related Rights under Rule 34, the following shall be attached to the application:

- (a) power of attorney if the applicant for cancellation of registration assigns the attorney, (the copy of power of attorney certified by the Notary Public in the country of permanent residence or the country of legal entity established if the applicant for cancellation of registration is a person who does not reside permanently in the country or who resides abroad);
- (b) evidence that fees have been subscribed;

- (c) two copies of documents in respect of the application;
- (d) evidence for permission of signing to the signer on behalf of such entity where the application is filed for a legal entity.

37. With respect to the application for cancellation of registration, the Registrar:

- (a) shall notify the applicant to fulfill it within 30 days from the date of sending the notice if he finds that the application does not fulfill with data;
- (b) shall consider that such application has been cancelled if the applicant does not fulfill it within the prescribed period under sub-rule (a);
- (c) shall send the application and copies of documents to the owner of Copyright or Related Rights and notify him to submit the required documents together with the defence within 30 days;
- (d) shall notify the relevant persons to submit further reasons or documents within 30 days from the date of sending the notice where the further explanation is required after examining the reasons, defences and documents submitted by the applicant and owner of Copyright or Related Rights;
- (e) may summon both parties for hearing if necessary;
- (f) shall cancel the registration if he finds that the reasons, defences and documents submitted by the relevant persons fall under any particular of section 56 of the Law after scrutiny;

(g) shall record such cancellation and notify the owner of Copyright or Related Rights about it and publish it after cancellation from the register under section 57 of the Law.

38. In publishing it under sub-rule (g) of Rule 37, the following shall be included:

- (a) cancelled registration number;
- (b) name and full address of the owner of Copyright or Related Rights;
- (c) title relating to matter of transferred Copyright or Related Rights;
- (d) kind of matter of transferred Copyright or Related Rights;
- (e) reason for cancellation of registration;
- (f) date of cancellation of registration.

Chapter IX

Power Of Attorney

39. The applicant may assign the attorney for application matters of these Rules.

40. In assigning the attorney, a person who has reached 18 years of age and has citizenship scrutiny card and who resides in the country shall be assigned with Application Form CR - 10.

41. The applicant shall assign a person who has reached 18 years of age and has citizenship scrutiny card and resides in the country as the attorney in applying for registration, other applications with respect to registration, applications for appeal if he does not reside in the country permanently or resides abroad. The copy of power of attorney certified by the Notary Public in the country of permanent residence or the country of legal entity established shall also be attached to.

42. The Agency or Registrar shall communicate with the attorney for the measures if it assigns the attorney.

43. Any measure of the assigned attorney in communication with the Agency or Registrar shall be considered as the measure of a person who assigns the attorney.

44. In assigning the attorney for application of registration of Copyright or Related Rights or other applications with respect to registration, only one attorney shall be assigned for each application.

45. With respect to assigning the attorney, the Registrar may notify the attorney to submit the original power of attorney within 30 days from the date of sending the notice if necessary.

46. The Agency or Registrar shall communicate with the applicant only for any measure if there is no assignment of attorney or it does not conform to stipulations of these Rules with respect to assigning the attorney.

47. If it is an application which has no assignment of attorney by more than one applicant, the signed applicant shall be communicated only.

48. Where the application is made for changing the name of attorney, it shall be submitted to the Registrar together with the required documents with Application Form CR – 11 by subscribing fees.

Chapter X

Miscellaneous

49. (a) In applying under the Law and these Rules, it shall be applied with application forms prescribed by the Ministry.
- (b) The Agency shall subscribe the prescribed fees with the approval of the Union Government through the Central Committee with respect to the matters of registration.
50. In publishing the matters of application for registration, it shall be published by electronic means through the official Website of the Department or by Publication Book of the Department.
51. (a) The relevant persons may apply to the Registrar in the Law and these Rules for the extension period with sufficient grounds before the expiration of prescribed period with respect to the application by subscribing fees with Application Form CR – 12.
- (b) The Registrar shall notify the applicant for the extension period if it has sufficient ground after scrutinizing the application under sub-rule (a). The extension period may be permitted a maximum of twice for 30 days for one time.
- (c) Further extension period except the extension of 30 days at one time for force majeure as disasters shall not be permitted after the Registrar has permitted the extension period under sub-rule (b).

52. The Registrar shall:
- (a) further publish the application forms prescribed by the Ministry with respect to registration to the public and to use it;
 - (b) further publish the subscription fees prescribed by the Agency with respect to registration with the approval of the Union Government through the Central Committee and subscription methods prescribed by the Department to the public and to use it.
53. The subscription fees shall not be returned in any circumstances.
54. In applying for appeal against the dissatisfaction of decision of the Registrar to the Agency, it shall be made in accordance with the Agency's Rules.
55. These Rules shall take effect from the date of commencement of the Copyright Law.

(Sd.)

Tun Ohn
Union Minister

Letter Number: SaKa – 14/2-37/2023(3)

Date : 23 October 2023

Circulation:

Office of the Chairman of the State Administration Council

Office of the Secretary of the State Administration Council

Office of the State Administration Council

Office of the Union Government

Office of the Pyidaungsu Hluttaw
Office of the Pyithu Hluttaw
Office of the Amyotha Hluttaw
Office of Supreme Court of the Union
Constitutional Tribunal of the Union
Office of the Union Election Commission
All Union Ministries
Office of the Auditor General of the Union
Union Civil Service Board
Nay Pyi Taw Council
All Region or State Governments
Central Bank of Myanmar
Office of the Anti-Corruption Commission
Office of the Myanmar National Human Right Commission
Director General, Department of Trade
Director General, Department of Consumer Affairs
Director General, Department of Intellectual Property
Director General, Department of Trade Promotion Organization
Director General } to be published in the Myanmar Gazette
Department of Printing and Publications }
Chairman, the Republic of the Union of Myanmar Federation of Chamber of Commerce and
Industry (It is send with request for further circulation to the membership associations.)

By Order

Dr. Moe Moe Thwe
Director General