

# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

## NEWSLETTER 82 - 3<sup>rd</sup> October 2020

**Dear Readers,**

Welcome to a new edition of our newsletter!

**1. Trademarks can now be re-registered (online filing open)**

The IP Department (which appears to be still part of the Department of Consumer Affairs of the Ministry of Commerce) activated its online trademark filing system on 2<sup>nd</sup> October 2020. Trademark owners may file an application for (re-) registration through a registered law or service provider firm.

**If you wish to (re-) register your trademarks, please contact [sebastian@lincolnmyanmar.com](mailto:sebastian@lincolnmyanmar.com) or [nyeinchanzaw@lincolnmyanmar.com](mailto:nyeinchanzaw@lincolnmyanmar.com).**

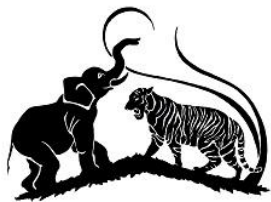
The following documents are needed:

**(a) There is a registered declaration of ownership:**

- PDF copy of the registered declaration of ownership
- Preferably: declaration of ownership as a Word document (to help us with cut and paste)
- Trademark as a JPG file
- If the applicant is not the same as the trademark owner registered at the Registration of Deeds Office, proof of transfer of ownership or name change

**(b) There is no registered declaration of ownership, but evidence of use of the trademark in Myanmar (prior to 1<sup>st</sup> October 2020, presumably)**

- Evidence of use, showing a date (e.g., cautionary notice; newspaper advertisement)
- Details of the trademark owner (company name; company registration number; jurisdiction of incorporation; address)
- Trademark as JPG file
- Goods and/or services for which the trademark is used, according to the Nice Classification



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**A power of attorney only seems to be required if specifically requested** by the IP Department because it doubts the authority of the representative.

**The government fees have not been announced yet.** They will be assessed per class and “not be higher than in Singapore”. SMEs should qualify for a reduction; proof of being an SME (we suppose that this would be a certificate of registration with the SME Development Agency formed according to the SME Development Law) has to be submitted when filing the application for (re-) registration of the trademark.

**We expect the timeline to be as follows:**

- Agent submits application for (re-) registration during the “soft opening phase” (expected to end on 31<sup>st</sup> March 2021).
- After the “grand opening” (expected to happen on 1<sup>st</sup> April 2021), the IP Department publishes the trademarks for which it received applications for (re-) registration during the soft opening phase if (i) the respective application meets formal requirements and (ii) there are no absolute grounds for opposition.
- If no opposition is filed within 60 days from the date of publication and the applicant pays the filing fees, the IP Department issues a “mark registration certificate” uniformly showing, presumably, the “grand opening” date as the filing date.

It is currently not possible to file applications for the registration of new trademarks; this will be possible again after the “grand opening”.

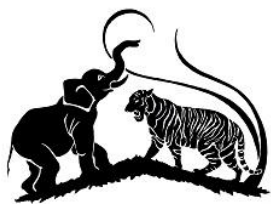
### **2. Fintech & e-commerce in Myanmar**

Please find the presentation of our recent seminar [on our homepage](#).

### **3. COVID-19 relief measures**

(a) [MoPFI Notification 3/2020](#) (7<sup>th</sup> September 2020): Relief for CMP businesses, hotel and tourism businesses, SMEs -

- (1) Deadline for payment of (corporate) income tax advance payments (normally to be made by 31<sup>st</sup> March 2020, 30<sup>th</sup> June 2020, 30<sup>th</sup> September 2020) deferred to 31<sup>st</sup> December 2020



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- (2) Monthly commercial tax payments from March to November 2020 deferred to 31<sup>st</sup> December 2020
- (b) [MoPFI Notification 103/2020](#) dated 15<sup>th</sup> September 2020: Exporters usually have to make an advance payment of their (corporate) income tax liability in the amount of 2% of the value of the exported goods. This advance payment is waived until 31<sup>st</sup> December 2020.
- (c) [MoLIP Notification 196/2020](#) dated 24<sup>th</sup> September 2020: The Social Security Board pays 40% of the salary of workers who are temporarily unemployed due to MoLIP orders 107/2020 and 108/2020 issuing a stay-at-home order and closing factories and workshops.

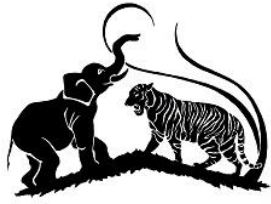
#### 4. Some interesting news

- (a) [Siam Commercial Bank in the process of establishing its business in Myanmar](#)
- (b) [YSX obtains approval for trading floor for unlisted public companies](#)
- (c) [Roland Berger selected to manage bidding for carved out part of New Yangon City Project](#)
- (d) [Myanmar garment factories report 75% fall in orders](#)
- (e) [Chinese bidders win almost entire 1 GW solar tender; winning prices at around USD 0.04/kWh](#)

We hope that you have enjoyed reading our newsletter and found it useful.

Sebastian Pawlita  
Managing Director

Nyein Chan Zaw  
Director



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### About Lincoln Legal Services (Myanmar) Limited

Lincoln Legal Services (Myanmar) Limited provides the full range of legal and tax advisory and compliance work required by investors. We pride ourselves in offering result-oriented work, high dependability and a fast response time at very competitive prices. Please do not hesitate to contact us:

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