

Government of the Republic of the Union of Myanmar

Ministry of Commerce

Notification No. 70/2023

The 9th Waxing Day of Thadingyut, 1385 M.E.

(23 October 2023)

In the exercise of the powers conferred under clause (i) of subsection (b) of section 101 of the Copyright Law, the Ministry of Commerce, with the approval of the Union Government, hereby issues these Rules.

Chapter I
Title and Definitions

1. These Rules shall be called the Rules for Registration of Literary and Artistic Works, Related Rights Subject Matters.

2. The expressions in these Rules shall have the same meanings as defined in the Copyright Law. Moreover, the following expressions shall have the meanings given below:

- (a) **Law** means the Copyright Law;
- (b) **Applicant** means the person or legal entity whose name is mentioned in the place of applicant in any application relating to the registration of a literary or artistic work or related rights subject matter;
- (c) **Related rights subject matter** means the performance, phonogram or broadcast;
- (d) **Representative** means the person entitled to represent the applicant before the Agency or Registrar, in respect of a literary or artistic work or related rights subject matter under Rule 40;
- (e) **Fee** means the fee prescribed by the Agency, with the approval of the Union Government through the Central Committee, to be paid under the Law and these Rules.
- (f) **Registration** means registration granted by the Registrar after verifying whether the application meets the requirements for applying literary or artistic work or related rights subject matter;
- (g) **Register** means the record list, recorded by any way including electronic method, of all the relevant facts of a literary or artistic work or related rights subject matter including granting or refusing the registration of the literary or artistic work or related rights subject matter by the department.
- (h) **Application Form** means the application form prescribed, by notification, by the Ministry;
- (i) **Department** means the Intellectual Property Department, Ministry of Commerce.

Chapter II

Application for Registration

3. Any author, owner of copyright or owner of related rights who wishes to register a literary or artistic work or related rights subject matter in order to have sufficient evidence of copyright or related rights, may apply to the Registrar with the Application Form (CR-1) for a literary or artistic work, or with the Application Form (CR-2) for a related rights subject matter.

4. A fee shall be paid for the service of accepting and verifying the application for the registration.

5. (a) The following person or legal entity may apply for the registration:

- (i) author of a work;
- (ii) performer;
- (iii) producer of phonogram;
- or
- (iv) broadcasting organization.

(b) A natural person or legally entity to which an economic right has been transferred by any of the following means may apply for the 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) An application for registration shall be filed to the Registrar in Myanmar language or English language by any of the following ways:

- (i) filing with electronic method specified by the Department;
- (ii) filing to the Department;
- (iii) filing through any post office recognized by the State.

(b) If the description (name, address, name of organization, name of region, etc.) is in other language except Myanmar language or English language, it shall be described in English language.

7. Where applying for the registration under Rule 3, the following shall be accompanied with the application:

- (a) if the applicant is an author, the admission that the literary or artistic work is created by himself or herself;
- (b) if the applicant is a performer, producer of phonogram or broadcasting organization, the admission that the performance, phonogram or broadcast is made by himself or herself;
- (c) if the applicant is a heir of the owner of copyright or related rights:

- (i) the evidence of death of the owner of copyright or related rights;
- (ii) in relation to inheritance under existing law or custom:
 - (aa) if the heir is a son/daughter of the owner of copyright or related rights, a birth certificate or testament designated as a heir or succession certificate issued by the Court or other evidence;
 - (bb) if the heir is a spouse of the owner of copyright or related rights, the evidence of legal spouse or testament designated as a heir or succession certificate issued by the Court or other evidence;
 - (cc) if the heir is neither a spouse nor son/daughter of the owner of copyright or related rights, the evidence and self-admission that he/she is a heir and there is no other heirs or testament or succession certificate issued by the Court;
- (d) if the applicant is the person who has been transferred economic rights under any existing law:
 - (i) a written and signed evidence of transfer of economic rights by the owner of copyright or related rights, or
 - (ii) a written and signed evidence of transfer of economic rights by joint owners of the copyright or related rights;
- (e) if the applicant is the person who has been gifted or donated economic rights by the owner of copyright or related rights, a written and signed evidence of such gift or donation from the owner of copyright or related rights;
- (f) if the applicant has appointed a representative, appointment of representative; (if the applicant is not a permanent resident in the State, or a resident in a foreign country, a copy of appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established);
- (g) a bank receipt;
- (h) an electronic copy of the applied literary or artistic work, or performance or broadcast fixed on a tape, disc or other medium, or phonogram; if it is a literary work, a hard copy of such literary work;
- (i) if there is more than one applicant for the application, evidence signed by all applicants that one applicant has been appointed to sign and carry out on behalf of all the applicants;
- (j) if the application is filed in the name of a legal entity, evidence that the signatory is authorized to sign on behalf of such entity;
- (k) a brief description of the literary or artistic work or related rights subject matter;
- (l) if it is the derivative work, the title of the original literary or artistic work, the name of the author and signed evidence of consent of the author;

- (m) in the application that includes more than one applicant, the name of the joint applicants, other names (if any), citizenship scrutiny card numbers, passport numbers (for foreigner), nationality, names of the country of permanent residence and full addresses.

8. An application for registration shall only be for a literary or artistic work or related rights subject matter.

Chapter III

Correction of Clerical Errors and Other Errors

9. The applicant who wishes to correct any clerical error and other permissible errors such as an address of the applicant, type of literary or artistic work, or type of related rights subject matter and text included in the brief description of those, may apply to the Registrar with the Application Form (CR-3) upon payment of the correction fee.

10. Where applying under Rule 9, the applicant shall file before the Registrar makes a decision on registration, or before the Agency makes a decision on the appeal against the decision of the Registrar.

11. Where applying under Rule 9, the following shall be accompanied with the application:

- (a) if the applicant has appointed a representative, appointment of representative; (if the applicant is not a permanent resident in the State, or a resident in a foreign country, a copy of appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established);
- (b) a bank receipt;
- (c) if the application is filed in the name of a legal entity, evidence that the signatory is authorized to sign on behalf of such entity;

12. Regarding the application for correction of clerical errors and other permissible errors, the Registrar shall:

- (a) notify the applicant to submit the requirements within 30 days from the date of sending the notification if it is found that the facts are incomplete;
- (b) deem the application nullified if the applicant does not submit the requirements within the specified time period under sub-rule (a);
- (c) correct clerical errors and other permissible errors requested for correction if it is found that the facts are complete and notify the applicant of the correction.

13. Regarding an appeal against the decision of the Registrar, if the application filed under Rule 9 before the Agency makes a decision, the Registrar shall request the documents from the Agency and carry out the functions in accordance with Rule 12 and return those documents to the Agency.

Chapter IV

Withdrawal of Application

14. The applicant may apply to the Registrar with the Application Form (CR-4) to withdraw the application for registration either before the Registrar makes a decision on application for registration of literary or artistic work or related rights subject matter or before the Agency makes a decision on an appeal against the decision of the Registrar.

15. Where applying under Rule 14, the following shall be submitted together with the application:

- (a) if the applicant has appointed a representative, appointment of representative; (if the applicant is not a permanent resident in the State, or a resident in a foreign country, a copy of the appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established);
- (b) if there is more than one applicant in application for registration, evidence signed by all applicants that they agree to withdraw the application for registration;
- (c) if the application is filed in the name of a legal entity, evidence that the signatory is authorized to sign on behalf of such entity.

16. Regarding the application to withdraw the application for registration, the Registrar shall:

- (a) notify the applicant to submit the requirements within 30 days from the date of sending the notification if it is found that the facts are incomplete;
- (b) deem the application nullified if the applicant does not submit the requirements within the specified time period under sub-rule (a);
- (c) withdraw the application for the registration if it is found that the facts are complete and notify the applicant of the withdrawal;

17. Regarding an appeal against the decision of the Registrar, if an application is filed under Rule 14 before the Agency makes a decision, the Registrar shall request documents from the Agency and carry out the functions in accordance with Rule 16 and submit them to the Agency.

Chapter V

Registration and Recordation

18. Regarding an application for the registration of literary or artistic work or related rights subject matter, the Registrar shall:

- (a) notify the applicant to submit the requirements within 30 days from the date of receipt of the notification if it is found that the facts are incomplete as in Rule 5, 6, 7 and 8;
- (b) deem the application for registration to have been withdrawn if the applicant does not submit the requirements within the specified time period under sub-rule (a).

19. The Registrar shall examine an application for registration that is complete with the facts in Rule 5, 6, 7 and 8 as follows:

- (a) with regard to a literary or artistic work:
 - (i) whether or not it is included in the works that shall be protected under section 13, section 14, and section 15 of the Law;
 - (ii) whether or not it is included in the works that are not protected under section 16 of the Law;
 - (iii) whether or not the protection has been obtained under subsection (a) and subsection (e) of section 12 of the Law;
 - (iv) whether or not the term of protection for economic rights remains in effect under subsection (a) of section 17 of the Law.
- (b) with regard to related rights subject matter:
 - (i) whether or not it is included in the works that are not protected under section 16 of the Law;
 - (ii) whether or not it has been protected under subsection (b), subsection (c), subsection (d) and subsection (e) of section 12 of the Law;
 - (iii) whether or not the term of protection for economic rights remains in effect under subsection (b) of section 38, subsection (b) of section 39, and subsection (c) of section 40 of the Law.

20. The Registrar, in accordance with section 50 of the Law, shall:

- (a) record the grant for registration in the register if it is granted and notify the applicant of the grant, and shall publish a description of the facts in Rule 21;
- (b) record the refusal for such application in the register if it is refused, and notify the applicant of the refusal;
- (c) issue the certificate to the applicant if the application for the registration is granted.

21. Under subsection (b) of section 50 of the Law, the following shall be included in the register for the grant or refusal of the application for the registration:

- (a) application number;

- (b) date of submission of the application;
- (c) if the applicant filed as an individual, name of that person, other name (if any), citizenship scrutiny card number; if a foreigner, passport number, nationality, name of country of permanent residence and full address; if the application is filed as a legal entity, name of the entity, registration number and type of the entity, name and full address of the country where the entity is located;
- (d) if the applicant has appointed a representative, name of the representative, citizenship scrutiny card number and full address;
- (e) title of literary or artistic work or related rights subject matter;
- (f) type of literary or artistic work or related rights subject matter;
- (g) date recorded in the register;
- (h) registration number;
- (i) date of creation; if it has been published, date of publication; date of performance, date of broadcast; date of fixation or official date of making available to the public;
- (j) terms of protection;
- (k) decision on the grant or refusal.

22. If the owner of copyright or related rights files an application with the Application Form (CR-5) to issue the certified copy of the certificate in accordance with subsection (a) of section 51 of the Law upon payment of application fees as the original certificate has damaged or lost, the Registrar shall check and issue a certified copy of the certificate.

Chapter VI

Amendment of the Register

23. An owner of copyright or related rights may apply to the Registrar with the Application Form (CR-6) upon payment of a fee for amendment to or correction of any clerical error and other permissible errors recorded in the register.

24. Where applying under Rule 23, the following shall be accompanied with the application:

- (a) if the applicant has appointed a representative, appointment of representative; (if the applicant is not a permanent resident in the State, or a resident in a foreign country, a copy of the appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established);
- (b) a bank receipt;
- (c) if there is more than one copyright owner or related rights owner, signed evidence of the consent of all joint-owners;

- (d) if the application is filed in the name of a legal entity, evidence that the signatory is authorized to sign on behalf of such entity.

25. Regarding an application for amendment to the register, the Registrar shall:

- (a) notify the applicant to submit the requirements within 30 days from the date of sending the notification, if it is found that the facts are incomplete;
- (b) deem the application nullified if the applicant does not submit the requirements within the specified time period under sub-rule (a);
- (c) amend the register if it is found that the facts are complete and notify the applicant of the amendment.

Chapter VII

Recordation of Transfer of Economic Rights, Amendment to or Cancellation of Records of Transfer of Economic Rights

26. The transferee of the economic rights may apply to the Registrar for the recordation of transfer with the Application Form (CR-7) under subsection (a) of section 35 of the Law if the owner of copyright or related rights transfers all or any part of his economic rights to another person or a legal entity.

27. Where applying for recordation of transfer of economic rights under Rule 26, the following shall be accompanied with the application:

- (a) if it is the inheritance under any existing law or custom:
 - (i) the evidence of death of the owner of copyright or related rights;
 - (ii) if the heir is a son/daughter of the owner of copyright or related rights, a birth certificate or other evidence;
 - (iii) if the heir is a spouse of the owner of copyright or related rights, the evidence of a legal spouse;
 - (iv) if the heir is neither spouse nor son/daughter of the owner of copyright or related rights, the evidence and self-admission that he/she is the heir and there is no other heir.
- (b) if the owner of copyright or related rights who has the right to write a testament gives it by testament, such testament;
- (c) if the economic rights is gifted or donated by the owner of copyright or related rights, the evidence of such gift or donation;
- (d) if the ownership of economic rights is transferred under any existing law:
 - (i) evidence for transferring of economic rights from the owner of copyright or related rights;
 - (ii) if there is joint-ownership, evidence of transferring of economic rights by the joint-owners of copyright or related rights;

- (e) if the economic rights is transferred by the license:
 - (i) evidence of licensing of economic rights by the owner of copyright or related rights;
 - (ii) if there is joint-ownership, evidence of licensing of economic rights by the joint-owners of copyright or related rights.
- (f) if the applicant has appointed a representative, appointment of representative; (If the applicant is not a permanent resident in the State, or a resident in a foreign country, a copy of the appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established);
- (g) a bank receipt;
- (h) if there is more than one applicant, evidence signed by all applicants that one applicant has been delegated to sign on behalf of all;
- (i) if the application is filed in the name of a legal entity, evidence that the signatory is authorized to sign on behalf of such entity.

28. Regarding an application to record the transfer of economic rights, the Registrar shall;

- (a) notify the applicant to submit the requirements within 30 days from the date of sending the notification if it is found that the facts are incomplete;
- (b) deem the application nullified if the applicant does not submit the requirements within the specified time period under sub-rule (a);
- (c) record the transfer of economic rights if it is found that the facts are complete and notify the applicant of the recordation of the transfer of economic rights and publish a description of the facts in Rule 29.

29. Under section 36 of the Law, the following shall be included in the recordation of the transfer of economic rights:

- (a) registration number;
- (b) name of the transferor, citizenship scrutiny card number; if a foreigner, passport number, nationality, name of the country of permanent residence and full address; if it is a legal entity, name of the entity, registration number and type of the entity, name and full address of the country where the entity is located;
- (c) name of the transferee, citizenship scrutiny card number; if a foreigner, passport number, nationality, name of the country of permanent residence and full address; if it is a legal entity, name of the entity, registration number and type of the entity, name and full address of the country where the entity is located;
- (d) title of literary or artistic work or related rights subject matter which has been transferred;

- (e) method of which economic rights has been transferred;
- (f) type of which economic rights has been transferred;
- (g) period of which economic rights has been transferred;
- (h) date of which economic rights has been transferred;

30. The transferor or transferee of the economic rights may apply to the Registrar with the Application Form (CR-8) for amendment to or cancellation of the records of the transfer.

31. Where applying for amendment to or cancellation of records of the transfer of economic rights, a fee shall be paid for the service of accepting and verifying the application.

32. Where applying under Rule 30, the following shall be accompanied with the application:

- (a) if the owner of the transferred copyright or related rights has appointed a representative, appointment of representative; (if the transferor is not a permanent resident in the State, or a resident in a foreign country, a copy of the appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established);
- (b) if the transferee has appointed a representative, appointment of representative, (if the transferee is not a permanent resident in the State, or a resident in a foreign country, a copy of the appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established);
- (c) a bank receipt;
- (d) evidence relating to the application;
- (e) evidence signed by the transferor and transferee that they have consensus on the application;
- (f) if application is filed in the name of a legal entity, evidence that the signatory is authorized to sign on behalf of such entity.

33. Regarding an application for amendment to or cancellation of the recordation of a transfer of economic rights, the Registrar shall:

- (a) notify the applicant to submit the requirements within 30 days from the date of sending the notification if it is found that the facts are incomplete;
- (b) deem the application nullified if the applicant does not submit the requirements within the specified time period under sub-rule (a);
- (c) record the amendment or cancellation of records of transfer of economic rights if it is found that the facts are complete and notify the applicant of such

amendment or cancellation and publish the facts in Rule 29 and the facts that has been amended or cancelled.

Chapter VIII

Cancellation of Registration

34. If it is found that any right related to the registered copyright or related rights is prejudicial to any person or to the public interests, the concerned person or organization may apply to the Registrar with the Application Form (CR-9) for cancellation of such registration under section 55 of the Law.

35. Where applying for cancellation of registration, a fee shall be paid for the service of accepting and verifying the application of registration.

36. Where applying for cancellation of registration of copyright or related rights under Rule 34, the following shall be accompanied with the application:

- (a) if the applicant has appointed a representative, appointment of representative; (if the applicant is not a permanent resident in the State, or a resident in a foreign country, a copy of the appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established);
- (b) a bank receipt;
- (c) two copies of documents related to the application;
- (d) if the application is filed in the name of the legal entity, evidence that the signatory is authorized to sign on behalf of such entity.

37. Regarding the application for cancellation of registration, the Registrar:

- (a) shall notify the applicant to submit the requirements within 30 days from the date of sending the notification if it is found that the facts are incomplete;
- (b) shall deem the application nullified if the applicant does not submit the requirements within the specified time period under sub-rule (a);
- (c) shall send a copy of the application and evidence documents to the owner of copyright or related rights if it is found that the facts are complete and notify him or her to submit the defense with necessary documents and evidence within 30 days;
- (d) shall examine reasons, defenses and documentary evidences submitted by the applicant, and the owner of copyright or related rights, and notify the concerned person to submit additional reasons or documentary evidences within 30 days from the date of sending the notification if further clarifications are needed;
- (e) may summon both parties for hearing if necessary;

- (f) shall cancel the registration if it is found that the registration is in contravention of any fact in section 56 of the Law after examining the reasons, defenses and documents submitted by the concerned persons;
- (g) shall record the cancellation after registration has been cancelled from the register under section 57 of the Law and notify the owner of copyright or related rights of the cancellation of registration and publish it.

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

- (a) registration number that has been cancelled;
- (b) name and full address of the owner of copyright or related rights;
- (c) title of the literary or artistic work or related rights subject matter;
- (d) type of the literary or artistic work or related rights subject matter;
- (e) reason for cancellation of registration;
- (f) date of cancellation of registration.

Chapter IX

Appointment of Representative

39. The applicant may appoint a representative for application matters under these Rules.

40. Where appointing a representative, a person who holds a citizenship scrutiny card, has attained the age of 18 and resides in the State shall be appointed with the Application Form (CR-10).

41. In filing the application for the registration, other applications related to the registration, and application for appeals, the applicant shall appoint a representative who holds a citizenship scrutiny card, has attained the age of 18 and resides in the State if the applicant is not a permanent resident in the State, or a resident in a foreign country. A copy of the appointment of representative certified by a notary public in the State of Domicile or in the country where the legal entity is established shall also be submitted.

42. Where the application is carried out by a representative, the Agency or Registrar shall communicate only with the representative regarding the matters to be carried out.

43. Any acts to be communicated to the Agency or Registrar and carried out by the appointed representative shall be deemed to have been done by the person who appointed the representative.

44. The applicant shall appoint only one representative for application for registration of literary or artistic works or related rights subject matters, and other applications related to the registration.

45. Regarding the appointment of representative, the Registrar may, if necessary, notify the representative to submit the original appointment of representative within 30 days from the date of sending the notification.

46. Where there is no appointment of representative or no compliance with the specifications of these Rules regarding the appointment of representative, the Agency or Registrar shall communicate only with the applicant for any kind of acts of communication.

47. Where an application in which no representative has been appointed includes more than one applicant, the Registrar shall communicate only with the applicant who signed in the application.

48. Where the applicant files to change the name of the representative, the Application Form (CR-11) with necessary documents shall be submitted to the Registrar upon the payment of fees.

Chapter X

Miscellaneous

49. (a) Where applying under the Law and these Rules, the application forms specified by the Ministry shall be used.

(b) The fees for the registration matters shall be paid in the manner prescribed by the Agency through the Central Committee with the approval of the Union Government.

50. In the publication of registration matters, the publication shall be made either electronic method through the official website of the Department or in the Publication Book by the Department.

51. (a) Concerned persons may apply to the Registrar with the Application Form (CR-12) to extend the time period related to the registration in the Law and these Rules upon the payment of the fee with sufficient reasons before the expiration of the specified time period.

(b) The Registrar shall verify an application under sub-rule (a), and extend the time limit and notify the applicant of time extension if the reason is valid. The extension period lasts 30 days for a time, and may be allowed for a maximum of two times.

(c) If the Registrar has already granted an extension of the specified time period under sub-rule (b), no further extension of the period except for the time extension of 30 days for a time shall be granted for the unexpected special circumstances such as disasters.

52. The Registrar shall:

(a) further publish the application forms related to the registration prescribed by the Ministry for public awareness and use.

(b) further publish fee payment methods specified by the Department and fees prescribed by the Agency through the Central Committee with the approval of the Union Government for public awareness and use.

53. All fees paid shall not be refundable under any circumstances.

54. Where an applicant files an appeal to the Agency if he is not satisfied with the decision of the Registrar, he or she shall carry out in accordance with the Rules of the Agency.

55. These Rules shall take effect from the date on which the Copyright Law comes into force.

(Sd.)

Htun Ohn

Union Minister