

Myanmar enacts new copyright law to replace Myanmar Copyright Act 1914

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An art piece 'Red Cube' by Myanmar's artist Po Po. On 24 May 2019, Myanmar's copyright law was enacted as the fourth and last intellectual property law to protect literary and artistic works.

Po Po

On 24 May 2019, the Copyright Law (Law) was enacted as the fourth and last intellectual property law to protect literary and artistic works. Replacing the law that was enacted in 1914, the new Law now includes updated definitions of performance, broadcasting, and includes computer programs as a work of writing. The Law specifies that “foreign works” which are created by authors who are not Myanmar citizens nor residents are protected only if they are first published in Myanmar or published in Myanmar within 30 days after their publication abroad.

The Law also distinguishes economic rights which are protected until and 50 years after the author’s death, 50 years after publication or creation of an audio-visual or cinematographic work, and 25 years after creation of applied artwork. Although registration is not necessary (copyright vests in works entirely upon creation), voluntary registration is available which will be similar to a recordal of ownership. The Law also allows the establishment of collective management organizations which are authorized to administer the rights by authors, artists, and other rights holders for the collection of license fees. Enhanced enforcement options will also be available such as allowing the rights holders to enlist the assistance of customs authorities to prevent infringement of goods. Technological safety measures and systems will also be protected by placing author information and terms of use in copies or publications of a work.

Commentary from Rajah & Tann NK Legal, a member firm of Rajah & Tann Asia: *The enactment of the Myanmar Copyright Law will attract foreign production companies and software companies seeking to enter Myanmar but have not done so in the past due to the country’s lack of a modern Copyright Law. As a member of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and the ASEAN Framework Agreement on Intellectual Property Cooperation, Myanmar will recognize the foreign copyrights of another member state in Myanmar.*



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