TOOLKIT 1 – TRADEMARK & DIGITAL BRANDING

MYANMAR - FAQs

SECTION 1: TRADEMARK REGISTRATION / PROTECTION

1. What's the difference between ™ and ®?

- ™ = You can use this anytime to show a brand claim (even before registration)
- ® = Only use this after your trademark is officially registered with the **Intellectual Property Department (IPD)**
  ⚠️ Using ® without registration may lead to legal issues

2. Can I register my brand if I only sell online?

Yes. Even if you sell only on Facebook, TikTok, or online platforms, you can register your trademark in Myanmar.

- Use your online store name and social media pages as supporting evidence
- Choose the correct class of goods/services (Nice Classification)

3. How long does it take to register a trademark in Myanmar?

- Usually around **8–12 months** if there are no objections or oppositions
- The process includes examination and publication

4. Where do I register my trademark?

You must file with the Intellectual Property Department (IPD)

- Filing is done through the **IPD online system**
  https://www.ipd.gov.mm

5. Can I register a trademark if someone else is already using a similar name?

It depends:

- Myanmar follows a **first-to-file system**
- If someone has already registered it, you may need to **rebrand or challenge the registration**

6. Do I need to register both my brand name and logo?

Yes, this is recommended:

- **Word mark (name)** → broader protection
- **Logo** → protects visual identity

7. What happens if I don't register my trademark?

You may still have some rights, but:

- It is harder to prove ownership
- Enforcement becomes more difficult
- Registration gives you stronger legal protection

8. How long does trademark protection last?

- 10 years from filing date
- Renewable every 10 years

9. Do I need to register my trademark in other countries?

Yes. Trademark rights are territorial

- If you sell in other ASEAN countries, you need protection there
- You can use the Madrid System to file in multiple countries

10. What is the first step for SMEs?

- List your brand assets: name, logo, domain, social media handles
- Decide which ones are most important to protect first

SECTION 2: TRADEMARK ENFORCEMENT

1. What is trademark infringement?

When someone uses your brand (or something similar) without permission, causing confusion.

2. What is counterfeiting?

A more serious form of infringement:

- Fake goods are made to look identical to your brand
- Usually done intentionally

3. What should I do if someone copies my brand online?

- Take screenshots and collect links
- Report the listing on the platform
- Contact the seller or send a legal notice (if needed)

4. Where can I report fake products online?

- Facebook / Instagram → Meta IP reporting form
- TikTok → IP complaint form
- Daraz (shop.com.mm) → platform reporting system

In Myanmar, many cases happen on Facebook, so platform reporting is important

5. What proof do I need to report infringement?

- Trademark certificate (if available)
- Screenshots of your products or brand use
- Website or social media evidence

6. Can I take action if I haven't registered my trademark?

Yes, but it is harder:

- You must prove prior use and reputation
- Platforms may still accept complaints, but not always

7. Do I need a lawyer to take action?

- Not always — you can file complaints yourself
- For serious cases, a lawyer or IP consultant is helpful

8. How can I monitor misuse of my brand?

- Search regularly on Facebook, TikTok, and Google
- Monitor similar brand names
- Use alerts or basic tracking tools

9. What evidence should I collect?

- Product listing screenshots

- Seller name and profile
- URL link
- Date and time

10. What about offline infringement?

If someone copies your brand in physical stores:

- Take photos and collect evidence
- Consider legal action or complaints through local authorities

SECTION 3: TRADEMARK COMMERCIALISATION

1. Can I allow others to use my brand?

Yes, through a Trademark Licence Agreement

- Clearly define how your brand can be used

2. What is the difference between licensing and franchising?

- **Licensing** → permission to use your brand
- **Franchising** → full business model + brand

3. Should I sign an agreement with influencers?

Yes. Always have a **written agreement** covering:

- How your brand is used
- Approval rights
- Content guidelines

4. When should I register my trademark?

Best time:

Before launching your business publicly:

- Prevents others from copying your brand
- Avoids costly rebranding

5. Can I make money from my brand?

Yes, through:

- Licensing
- Partnerships
- Co-branding
- Online collaborations

6. What are common mistakes SMEs make?

- Not registering their trademark
- No written agreements
- Poor quality control
- Not monitoring misuse

7. How do I protect my brand when others use it?

- Use contracts
- Set quality standards
- Monitor usage regularly

8. How do I know if my brand is strong?

Ask yourself:

- Is it registered or filed?
- Do customers recognize it?
- Is it distinctive?