

# MYANMAR LEGAL MHM

## Newsletter

In this edition of our newsletter, we provide the following legal updates:

- **Myanmar started accepting applications for the registration of existing trademarks:** the Ministry of Commerce ("MOC") started accepting applications on October 1, 2020.
- **The Yangon Stock Exchange ("YSX") plans to launch a Pre-Listing Board:** The YSX plans to set up a pre-listing board as a fundraising avenue for public companies that do not meet listing requirements of the YSX's mainboard.
- **COVID-19 Update: Notification on stay-at-home orders and social security benefits:** in light of the current trend of COVID-19 cases in Myanmar, the Ministry of Health and Sports ("MOHS") issued a series of stay-at-home orders requiring all employees (except for those involved in providing prescribed essential services) to work from home. In addition, the Ministry of Labour, Immigration and Population ("MOLIP") announced that the Social Security Fund would provide compensation to employees who were unable to work due to the stay-at-home orders.

### LEGAL UPDATES

#### 1. MYANMAR STARTED ACCEPTING APPLICATIONS FOR EXISTING TRADEMARK REGISTRATION

On October 1, 2020, the MOC started accepting applications to register trademarks which are already in use in Myanmar or which have already been registered under the Registration of Instruments Law (Law No. 9/2018), under a soft opening prior to the entry to force of the Trademark Law (Law No. 3/2019).

According to the MOC, trademark registration applications can be submitted to the Department of Consumer Affairs of the MOC either online through an electronic registration system called WIPO File, or physically at the office of the MOC (the details of how physical applications can be made will be announced in the future).

WIPO File accounts for online trademark registration have only been distributed to a limited number of law firms and service providers who provide trademark registration services, including Myanmar Legal MHM. We expect such accounts will be more widely available in the future, however no details have been announced to date. Accordingly, applications can currently only be made using service providers who have a WIPO File account.

We will keep you updated on developments in this reform process, including as the requirements and processes and fees for trademark registrations is published by the Myanmar government. Should you have any further questions about the trademark registration process, please do not hesitate to get in touch with our team.

#### 2. THE YANGON STOCK EXCHANGE PLANS TO LAUNCH THE PRE-LISTING BOARD

The YSX announced in a press release on September 28, 2020, that it would launch a Pre-Listing Board ("PLB") for unlisted public companies. Although a launch date has yet to be decided, the YSX published a Business Operation Manual for the Pre-Listing Board and the Securities Registration Business Regulations on October 2, 2020. This suggests that the opening of the PLB is in progress.

The primary purposes of the PLB are to provide financing to unlisted public companies and to expand investment opportunities for investors. A list of criteria was established for unlisted public companies to participate on the PLB, including that they must have a minimum of 100 shareholders and audited financial statements. Since the listing criteria of the PLB is much simpler than the criteria required for listing on the YSX's mainboard, the PLB can provide a new method of financing for public companies in Myanmar.

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### 3. COVID-19 UPDATE: STAY-AT-HOME ORDERS AND SOCIAL SECURITY BENEFITS NOTIFICATION

#### (1) Stay-at-home orders

The MOHS issued a number of orders (including Order No. 107/2020 on September 20, 2020, and Order No. 110/2020 on September 25, 2020), imposing a stay-at-home order in all of Yangon Region (excluding Cocogyun Township) and major cities in Mandalay, Bago and Ayeyarwady Regions and Mon State. Under Order No. 107/2020, all employees of companies and workplaces (except for those involved in a prescribed list of essential services) were required to work from home. The number of people per household who can travel outside of the home to buy essential goods or for hospital or health clinic visits is also limited to two, and facemasks are mandatory when leaving the home.

The Myanmar government has continued to review the criteria for which workplaces should remain closed due to COVID-19. On September 22, 2020, the MOHS issued Order No. 108/2020 to expand the list of essential services exempted from Order No. 107/2020 (for example, airlines and communications businesses were added to the list). It issued Order No. 110/2020 on September 25, 2020, requiring State and Regional Governments to discuss with the MOHS and the MOLIP the treatment of employees at cut-make-pack (CMP) factories and workplaces in 11 townships of Mandalay, Bago and Ayeyawady Regions and Mon State. The MOHS subsequently issued Order No. 198/2020 on September 27, 2020 requesting the Regional and State Governments to inspect CMP factories in the eleven (11) townships specified in Order No. 110/2020 to decide whether those CMP factories should be allowed to operate, and issued Order No. 124/2020 on October 10, 2020, providing that CMP factories, workplaces and small and medium-sized enterprises in Yangon may resume work at their workplaces from October 12, 2020, if the National Level Central Committee on Prevention, Control and Treatment of COVID-19 approves, and provided they comply with the COVID-19 prevention measures and guidelines of the MOHS.

The end date of the stay-at-home orders has not been specified in the relevant orders and these stay-at-home orders are expected to be maintained for some time due to the current rate of COVID-19 infections in Myanmar. As the COVID-19 situation continues in Myanmar, and there are ongoing changes to the scope of the stay-at-home orders, updates should be carefully monitored for those with business operations in Myanmar.

#### (2) Notification of social security benefits

The MOLIP issued Notification No. 196/2020 on September 24, 2020, to provide social security benefits to insured workers at privately owned factories, workshops and work establishments who are affected by stay-at-home orders, equal to 40 percent of their wages. The application procedures and supporting documents for employers wishing to apply for the social security benefits were announced by the MOLIP on September 29, 2020.



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