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50th Anniversary in 2026

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WORLD PATENT & TRADEMARK  
INTELLECTUAL PROPERTY LAW FIRM

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DESIGN & TRADEMARK

Newsletter

MAY 2023  
JAPAN

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## TOPIC

### Enforcement of Myanmar Trademark Law ミャンマー商標法の施行



### March 10 Cabinet Decision on Adjudication System for Use of Works, etc. 3月10日著作物等の利用に関する裁定制度等の閣議決定

### Trends in design registration applications for new objects of protection 新たな保護対象についての意匠登録出願動向

### Enforcement of Myanmar Trademark Law

#### ミャンマー商標法の施行

Myanmar has been in a "Soft-Opening" period of transition from the old system (registration system) to the new system when the Trademark Law came into effect.

In addition to paying the official fees, a power of attorney must be submitted in a form prepared by the Myanmar Office (form TM-2) when filing a trademark application under the new system. For re-filings during the "Soft-Opening" period it is necessary to pay the official fees and submit the power of attorney at the same time.

Since the power of attorney must be notarized\*, it is recommended to arrange for the power of attorney as soon as possible for the re-filing of an ongoing case.

\*Notarization of the power of attorney is required when the applicant's nationality is other than Myanmar.

If you wish to file a new trademark application under the new system (Grand-Opening), you will be able to do so from April 26, 2023.

For other information on intellectual property in Myanmar, please refer to the Myanmar Office's social media (Facebook, etc.) and website.

[https://www.facebook.com/ip.myanmar/?ref=page\\_internal](https://www.facebook.com/ip.myanmar/?ref=page_internal)

ミャンマーでは商標法施行に際して、旧制度（登記制度）から新制度への移行期間“Soft-Opening”が続いていたが、この度正式に序より商標法を施行する通達があった。

新制度下での商標出願時は、庁費用の納付に加えて、ミャンマー庁作成のフォーム（TM-2 form）での委任状の提出が必要になる。Soft-Opening期間に再出願をした件に関しては、庁費用の納付を委任状の提出を同時に対応する必要があるとのことだ。

なお、委任状には公証（※）が必要なため、再出願で進行中の案件に関しては、早めに委任状の手配を進める事を勧める。

※委任状に公証が必要なのは、出願人の国籍がミャンマー以外の場合である。

新制度下にて新規で商標出願（Grand-Opening）を希望する場合、2023年4月26日から出願が可能とのことだ。

その他のミャンマー知財情報に関しては、ミャンマー庁のFacebook等のSNSやHPを参考することをお勧めする。

[https://www.facebook.com/ip.myanmar/?ref=page\\_internal](https://www.facebook.com/ip.myanmar/?ref=page_internal)

### March 10 Cabinet Decision on Adjudication System for Use of Works, etc.

3月10日著作物等の利用に関する裁定制度等の閣議決定

On March 10, 2023, the Cabinet approved a draft law to partially amend the Copyright Act, including the establishment of an adjudication system for the use of works, etc. The proposed amendment includes: (1) establishment of an adjudication system for the use of works, etc., (2) measures to allow public transmission of works, etc. as internal materials to the extent deemed necessary for legislative and administrative purposes, and (3) revision of the calculation method for damages for pirated copies, etc.

Under the new ruling system described in (1) above, if a person who wishes to use unmanaged published works, etc. (works for which no information has been published to smoothly confirm the intention of the copyright owner, etc. regarding the availability of use) cannot confirm the intention of the copyright owner, etc. despite taking certain measures, the person may deposit the compensation upon receiving a ruling from the Commissioner for Cultural Affairs. Thereby, the person is allowed to use said unmanaged published works for a certain period as specified in the ruling.

In reviewing the amount of damages referred to in (3) above, effective remedies will be sought by allowing the amount of damages to be awarded even if the infringer's sales volume exceeds the right holder's sales capacity.

It is expected that the enforcement of this amendment will further promote the fair use of works, etc. and contribute to the appropriate protection of copyrights, etc.

The amendments to (2) and (3) will come into effect on January 1, 2024, and (1) will come into effect on a date specified by a Cabinet Order within a period not exceeding three years from the date of promulgation.

令和5年3月10日に著作物等の利用に関する裁定制度の創設等著作権法の一部を改正する法律案が閣議決定した。今回の改正案では、1. 著作物等の利用に関する裁定制度の創設、2. 立法・行政の目的のために内部資料として必要と認められる限度で著作物等の公衆送信等を可能とする措置、3. 海賊版被害等の損害賠償額の算定方法の見直しが盛り込まれる。

1. の新たな裁定制度では、未管理公表著作物等(利用の可否に係る著作権等の意思を円滑に確認できる情報が公表されていない著作物等)を利用したい者が、一定の措置を講じたにもかかわらず著作権者等の意思が確認できない場合、文化庁長官の裁定を受けて補償金を供託することにより、裁定で定められた一定期間に限り、当該未管理公表著作物等を利用することができる。

3. の損害賠償額の見直しにおいては、権利者の販売能力を超える侵害者の売上数量であっても損害額認定を可能とすることで実効的救済を図る。

本改正の施行により、著作物等の公正な利用を一層促進するとともに、著作権等の適切な保護に資することが期待される。

2. および3. の改正は、令和6年1月1日が施行期日、1. は公布日から3年を超えない範囲の政令で定める日に施行される。

## Trends in design registration applications for new objects of protection

### 新たな保護対象についての意匠登録出願動向

On April 11, the JPO published on its website the application trends for new protected designs under the revised Design Law (effective April 1, 2020). According to this report, the number of design applications for "images," "architectural structures," and "interiors", which are newly protected, as well as the number of applications for related designs filed after the publication of the design gazette of the basic design (before the expiration of 10 years from the filing of the basic design) due to the expansion of the related design system, are as follows (excluding the Hague system).

The previous article on "Trends in design registration applications for new objects of protection", was in July of 2022, so the current article is the first such article in 10 months. However, according to the JPO website, many companies and others have shown a high level of interest in the status of applications for these designs, and thus we will continue to publish these articles in our newsletters.

### 1. Number of applications for design registration for new objects of protection

(Numbers in parentheses indicate the increase in cases in the 10 months since the previous article)

	Images	Architectural structures	Interiors
Number of applications for design registrations	4,106(1,368)	1,070(335)	776(239)

(Figures available as of April 3, 2023) (From the JPO website)

## 2. Number of registrations for new protection objects

(Numbers in parentheses indicate the increase in cases in the 10 months since the previous article)

	Images	Architectural structures	Interiors
Number of design registrations	2,350(1175)	691(292)	432(202)

(Figures available as of April 3, 2023) (From the JPO website)

The number of design registration applications in 1. above includes those currently under examination, so the above number of registrations/number of design registration applications does not necessarily represent the registration rate.

## 3. Number of design registration applications for related designs

(Numbers in parentheses indicate the increase in cases in the 10 months since the previous article)

Applications filed before publication of the basic application's design gazette	9,794(2,946)
Applications filed after publication of the basic application's design gazette	2,389(680)

(Figures available as of April 3, 2023. For applications filed before the publication of this design gazette, applications filed in April 2020 or later are included.) (From the JPO website)

4月11日に特許庁HPに、改正意匠法（令和2年4月1日施行）に基づく新たな保護対象について出願動向が公表された。これによると、新たな保護対象となった「画像」、「建築物」、「内装」の意匠、また、関連意匠制度の拡充により本意匠の意匠公報発行後（基礎意匠の出願から10年を経過する日前まで）の関連意匠の出願件数は以下のとおりである（ハーグは除く）。

前回の「新たな保護対象についての意匠登録出願動向」の記事は、2022年の7月号だったので、今回の記事は10か月ぶりとなるが、特許庁HPによると、これらの意匠の出願状況については、多くの企業等から高い関心が示されているとこのことで、当所のニュースレターにおいても、引き続き掲載していきたい。

### 1. 新たな保護対象についての意匠登録出願件数

( ( ) 内の数字は10か月で増加した件数)

	画像	建築物	内装
意匠登録出願件数	4,106(1,368)	1,070(335)	776(239)

(令和5年4月3日時点で取得可能なもののみ) (特許庁HPより)

### 2. 新たな保護対象についての登録件数

( ( ) 内の数字は10か月で増加した件数)

	画像	建築物	内装
登録件数	2,350(1175)	691(292)	432(202)

(令和5年4月3日時点で取得可能なもののみ) (特許庁HPより)

上記1. の意匠登録出願件数には現に審査中のものも含まれており、上記登録件数/上記意匠登録出願件数が登録率となるわけではありません。

### 3. 関連意匠についての意匠登録出願件数

( ( ) 内の数字は10か月で増加した件数)

本意匠の公報発行前の出願	9,794(2,946)
本意匠の公報発行後の出願	2,389(680)

(令和5年4月3日時点で取得可能なもののみ/本意匠の公報発行前の出願については、令和2年4月以降の出願を計上。) (特許庁HPより)



Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

Below are links to further IP information.

<b>BIO IP Information</b> バイオ知財情報	<b>DX, IT IP Information</b> DX, IT知財情報	<b>IoT × AI Support Station</b> IoT×AI支援室
<b>Food &amp; Medical Business Support Station</b> 食品×医療支援室	<b>Major &amp; Emerging Economic Powers</b> 諸外国知財情報	<b>TPP IP Chapter</b> TPP知財情報

Please visit our facebook pages and our twitter account below.

## Official Facebook Page 公式フェイスブックページ

We have an official Facebook page where we post helpful information gathered from our offices in Osaka, Tokyo, Hiroshima, and Nagoya. On this page, we publish a variety of information, such as the latest developments in IP law and practice in various countries around the world, exciting IP-related news, and what's going on with us and around us. Please find us on Facebook!

大阪・東京・広島・名古屋に拠点を持つ国際特許事務所のFacebookページです。知財制度等の最新情勢や、知財ニュース、また、所内の雰囲気や、複数拠点近辺の近況などを発信していきます!ぜひ高覧ください。

[More information](#) [詳細はこちらへ](#)

**HARAKENZO WORLD PATENT & TRADEMARK**  
弁理士法人 HARAKENZO WORLD PATENT & TRADEMARK

## Our Twitter Account 弊所公式Twitter

To help you become familiar with our activities and projects, we post a variety of information in addition to IP-related news on Twitter. If you have a Twitter account, please follow us! Your "likes" and "re-tweets" are also appreciated!

弊所の活動や取組みをより身近に感じて頂けるよう、知財情報に限らず様々な情報を発信しております。Twitterアカウントをお持ちの方は、お気軽にフォローください。いいねやRT也大歓迎です。



@HarakenzoT #HARAKENZO



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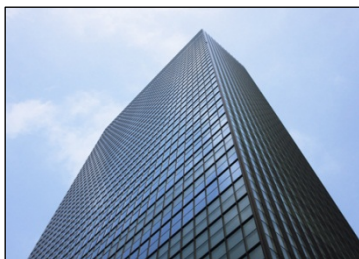
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