

Myanmar Copyright Act

Pyidaungsu Hluttaw Law No. 15, 2019. The 6th Waning of Kasone,
1381 M.E. 24th May, 2019

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Summary of the key points (based on an unofficial translation of the new law)

March 2020

General

- The 2019 copyright law replaces the 1914 Copyright Act. The new law will be implemented by regulation about six months after the opening of the new Intellectual Property Office.
- For the first time, foreign works in Myanmar are protected by copyright.
- Copyright protection does not extend to ideas, data, news of the day, miscellaneous facts that are mere items of press information, the constitution, laws and government regulations, court judgments.
- In general, the term of protection for economic rights is life of the author plus 50 years. The term of protection for moral rights is unlimited. Where copyright has not expired under the 1914 Act, the term shall be extended (from life plus 30 years) to the new term.
- For copies made legally under the previous law, there is a two-year window within which these copies may continue to be distributed to the public.
- Works for non-commercial purposes may be imported. International exhaustion applies.
- Copies may be made in any format.
- There are no provisions for the use of orphan works, and exceptions can be overridden by terms in licences.

Exceptions

- There are exceptions for temporary technical copies, translation into minority languages (non-commercial), computer programs, news of the day and reporting.
- There are exceptions for private study, quotation, online teaching, course-packs, and use in virtual learning environments.
- Libraries and archives may make research and replacement copies, do document delivery, and translate works for teaching and research purposes.
- Accessible format copies may be made for persons with print disabilities. Authorized entities may export and import accessible format copies. Such authorized entities need authorization or recognition from the government.
- Technological protection measures (TPMs) receive legal protection. Beneficiaries of certain exceptions (teaching, preservation and persons with print disabilities) may circumvent the TPM to avail of the exception, unless the work is made available under a licence.
- In general use of an exception must be compatible with fair practice, it should not exceed the extent justified by the purpose, and the source of the work and name of the author should be included, where possible.

Copyright management and enforcement

- Rules on the formation, functions and duties of collective management organizations are set out.
- Rules establishing an Intellectual Property Court and its powers are set out.
- Rules on offences and penalties are set out.

The information in the summary is for guidance only. It does not constitute legal advice, if in doubt seek local support.

See also EIFL's review of the copyright law of Myanmar against EIFL's 'Core Library Exceptions Checklist'.