

New Myanmar Patent Law 2019

On 11th March 2019, the Union Parliament of Myanmar passed the Patent Law (“**PL**”) as the Pyidaungsu Htuttaw Law No. 7/2019. The PL will come into force after the President of Myanmar issues a notification to implement it.

The PL has provided for the followings:

1. The Myanmar Intellectual Property Office (“**MIPO**”) will be established under the Ministry of Commerce to administer patent registrations.
2. The first-to-file system for patent registration and protection will be adopted.
3. Inventions of patent and petty patent are patentable, subject to the following conditions:-
 - (1) The patent invention must have novelty, inventive step and industrial application.
 - (2) The petty patent invention must have novelty and industrial application.
4. The non-patentable under the PL include: discoveries, scientific theories, mathematical methods, systems and rules and manners of doing business, performance of mental action and playing games, computer program, essential biological process for production of plants and animals apart from non-biological process and organism process, plant or animal varieties and DNA including complementary DNA sequences, cells and cells lines and cell cultures and seeds, methods for the treatment of human and animal body and such diagnostic techniques, prohibitive invention against public peace and morality, etc.
5. One application can cover only one invention patent or petty patent. The same invention cannot be registered as both patent and petty patent.
6. The registration term is 20 years from the filing date for a patent and 10 years from the filing date for a petty patent. The annual fee must be paid within 6 months before the due date.
7. A compulsory license can be applied for a patent.



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