

## The Patent Law of Myanmar Comes into Force

On 11<sup>th</sup> March 2019, the Patent Law 2019 (“PTL”) was passed by the Union Parliament of Myanmar (“Pyidaungsu Hluttaw”) to provide protection for patents and petty patents. On 1<sup>st</sup> June 2024, the State Administration Council (“SAC”) of the Republic of the Union of Myanmar issued its Notification No. 106/2024 to designate 31<sup>st</sup> May 2024 as the effective date of the PTL.

On 4<sup>th</sup> June 2024, the Ministry of Commerce announced the Patent Rules (“PTR”) under its Notification No. 43/2024 to set out rules for filing application, description of patents and petty patents, examination process, amendment of application, withdrawal of application, opposition, registration, recordation of assignment and license, invalidation and cancellation, and appointment of patent agent (patent representative).

The patent protection principle under the PTL is the “first to file” basis. The patent registration proceedings are administered by the Intellectual Property Department (“IPD”). Registrable patents are invention patents and petty patents. Registrable invention patents must meet the requirements of novelty, inventive step and industrial application. Registrable petty patents must meet the requirements of novelty and industrial application.

Each patent application can cover only an invention patent or a petty patent. The applications must be filed with the IPD (“Registrar”) in the Myanmar language or the English language. The Registrar may, at his / her discretion, order submission of a certified Myanmar or English translation of the application.

### Filing Requirements under the PTR

- 1) Application Form PT/UM-1, completed and signed by the applicant;
- 2) a description of the invention (its title, field of the invention, technical specifications, etc.);
- 3) a summary of the invention;
- 4) statements of claims;
- 5) drawings with brief descriptions;
- 6) name, address and nationality of the inventor(s);
- 7) written consent(s) of the inventor(s);
- 8) name, nationality, country of incorporation and address of the applicant;
- 9) name, national registration card number and address of the Myanmar representative (agent);
- 10) a copy of the first foreign application if its priority will be claimed.

The IPD is expected to announce a date on which it will start to accept application filings within 2024.



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