

IP
ALERT**Myanmar**
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Myanmar Patent Law Updates

Following the vote in favor of the Patent Bill in early 2018, the Myanmar Patent Law has finally been approved and passed into law under Pyidaungsu Hluttaw Law No. 7/2019 on 11 March 2019.

The Patent Law provides protection for inventions related to products and processes which meet the patentability requirements with respect to novelty, inventive steps and industrial applicability. Apart from the generally recognised non-patentable subject matters including, for example, discoveries, scientific theories and mathematical methods, rules and method of doing business, computer programs, method of treatment of human and animals, biological process for product of plants and animals, the following inventions are also exempt from protection:

- i. Pharmaceutical products and manufacturing process;
- ii. Chemical products for agricultural uses;
- iii. Food products; and
- iv. Microbiological products.

Exemptions from protection of these inventions are made in accordance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPs Agreement”) for Least-Developed Countries that provides a transitional extended period for member countries to exempt protection of certain inventions. Under the Patent law, protection for pharmaceutical inventions is exempt from protection until 1 January 2033, whereas protection for chemical products for agricultural uses, food products and microbiological products is exempt from protection until 1 July 2021.

The Directorate of Patents of the Intellectual Property Office under the Ministry of Commerce will assume the administrative functions of the law. However, it could take a while for the Intellectual Property Office to start accepting new patent applications since implementing rules and regulations and administrative structures are still being established. To date, a timeline for issuance of implementing rules and regulation as well as the establishment of the Intellectual Property Office has not been set.

Pending the enforcement of the new patent law, there is currently no recourse for patent registration under the Registration Act, unlike trademarks. The new patent regime is much anticipated and will herald a new era for the protection of intellectual property rights in Myanmar.

If you have any questions or require any additional information, contact [Nuttaphol Arammuan](#), [Titirat Wattanachewanopakorn](#), [Prateep Naboriboon](#), or the ZICO IP partner you usually deal with.

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