

## Patent Law

(2019 Pyidaungsu Hluttaw Law No. 7)

1380, 6th Day of the Tabaung New Moon

2019 March 11<sup>th</sup>

*Pyidaungsu Hluttaw enacts this Law.*

### Chapter (1)

#### Title, Commencement and Definition

1. (a) This Law shall be called the **Patent Law**.
- (b) This Law shall come into force on the date specified in the notification issued by the **President**.
2. The following expressions contained in this Law shall have the meanings provided hereunder:
  - (a) **Union** means the Republic of the Union of Myanmar.
  - (b) **Central Committee** means the Central Committee of Original Ownership Rights formed under this law.
  - (c) **Ministry** means the Ministry of Commerce of the Union Government.
  - (d) **Relevant Ministry** means the Ministry of Information, Ministry of Industries, Ministry of Agriculture, Livestock and Irrigation or Ministry of Education of the Union government.
  - (e) **Agency** means the Intellectual Property Rights Agency formed under this Law.
  - (f) **Department** means the department authorized by the Ministry to carry out matters concerning intellectual property rights.
  - (g) **Registrar** means the Director-General of the Department that is handling matters related to the registration of intellectual property rights.
  - (h) **Examiner** means an officer whose position is equivalent to an Assistant Director or above in the Department carrying out examinations related to the registration of intellectual property rights.
  - (i) **Intellectual Property Rights** means the right granted by law to protect inventions made by one's own intellect. This expression includes copyright, patent rights, industrial design rights, trademark rights, and other types of intellectual property rights.
  - (j) **Invention** means any product or creation related to a production process that can solve a particular problem in a technical field. This expression also includes minor inventions.
  - (k) **Patent** means an intellectual property right granted under this Law to protect an invention.

- (l) **Minor Invention** means a technical creation which can be the new form of a product or a new structure of the parts of a product, or a part of a product that increases its utility or performance.
- (m) **Patentee** means an individual or legally formed organization recognized and registered in the Department's registration records as a patentee.
- (n) **Inventor** means an individual who made any invention.
- (o) **Right Holder** means the patentee and an individual or legally formed organization that is legally entitled to the rights of the patentee.
- (p) **Person Having Ordinary Skill in the Art** means a person who possesses general knowledge but is not a specialist in the technical field related to the invention.
- (q) **Employer** means any authorized individual, government department, government organization, or legally formed organization that hires one or more employees by providing wages that are mutually agreed upon in the relevant employment agreements and directly or indirectly manages the wages, appointment, and the termination of said employees. This definition also includes an official management representative of the employer, and, in the case of a private enterprise, the legal successor of the employer upon his death and the legal recipient of shares.
- (r) **Employee** means an individual who relies on his physical or intellectual labor to earn wages and makes a living with said wages. For the purposes of this law, this term also includes employees of any government department, government organization, or legally formed organization.
- (s) **Member State** means any Member State of any conventions, treaties or agreements related to intellectual property rights or relevant international or regional organizations in which the Republic of the Union of Myanmar is a Party.
- (t) **Intellectual Property Rights Court** means the court which has been established by the Supreme Court of the Union, in accordance with the law, to adjudicate cases related to intellectual property rights or a court which has been granted the jurisdiction and mandate of such court. **Right of Priority** means the right of priority contained in section 43.
- (u) **Right of Priority for Trade Exhibitions** means the right of priority for trade exhibitions contained in section 44.

## Chapter (2) Objectives

3. The objectives of this Law are as follows:

- (a) To protect the rights and interests of the patentee and the inventor in accordance with this Law;
- (b) To develop Myanmar's manufacturing by promoting technological innovations and distribution and transfer of technological knowledge;
- (c) To establish a mutually-beneficial relationship between the inventors and users of inventions in order to promote technical know-how and socio-economic development;
- (d) To help balance the rights and obligations of the inventors and users of inventions;
- (e) To prevent the patentee or right holder from abusing patent rights and monopolizing trade.
- (f) To promote an environment of innovation.

### **Chapter (3)**

#### **Formation of the Central Committee and Its Functions and Duties**

4. The Union Government:

- (a) in order to supervise and conduct matters related to intellectual property rights, must form an Intellectual Property Rights Central Committee as described below:

(1) Vice-President	Chair
(2) Union Minister of the Ministry	Vice-Chair
(3) Deputy Ministers of Relevant Ministries	Members
(4) Deputy Ministers or Directors-General of other suitable ministries	Members
(5) No more than four experts on intellectual property rights	Members
(6) Two representatives from non-governmental organizations	Members
(7) Person appointed by the President of the Union	Secretary
(8) Director-General of the Department	Co-Secretary

- (b) may restructure the Central Committee formed under subsection (a) as necessary.

5. The functions and duties of the Central Committee are as follows:

- (a) Formulating intellectual property rights policies, strategies, and work plans in order to develop the intellectual property rights system in the Union;
- (b) Allowing or refusing the granting of mandatory licenses submitted by the Agency;
- (c) Supervising and directing the implementation of intellectual property rights policies, strategies, and work plans;
- (d) Providing direction on how to promote national economic development, foreign investment, and the development of small and medium enterprises through the intellectual property rights system;

- (e) Promoting the training and education of human resources required for the development of businesses related to intellectual property rights;
- (f) Coordinating with relevant government departments, governmental organizations, other organizations, and private businesses in order to develop the intellectual property rights system and to properly exercise and conduct the intellectual property rights system;
- (g) Promoting contact and coordination with domestic and foreign organizations in order to secure technical assistance and other necessary assistance;
- (h) Carrying out intellectual property rights related duties as assigned by the Union Government.

#### **Chapter (4)**

#### **Formation of the Agency and Its Duties**

6. The Central Committee:
  - (a) with the approval of the Union Government, must form the Intellectual Property Rights Agency as described below:
 

(1) Secretary of the Central Committee	Chair
(2) Directors-General related to the Agency from the Ministry and relevant ministries	Members
(3) No more than eight experts on intellectual property rights	Members
(4) No more than five representatives from non-governmental organizations	Members
(5) Director-General of the Department	Secretary
(6) Persons in charge of the divisions of the Department	Co-Secretaries
  - (b) may reorganize the Agency formed under subsection (a) as it sees fit.
7. The Chair of the Agency shall be considered as an official with the same rank as a deputy minister.
8. The Agency must perform the following functions:
  - (a) coordinate work related to patent rights;
  - (b) implement the patent rights policies, strategies and work plans and human resources training and education matters prescribed by the Central Committee in order to develop the patent rights system;
  - (c) research and report to the Central Committee so that the Union can participate as a member of patent rights conventions, treaties and agreements;
  - (d) implement according to the provisions contained in the conventions, treaties, and agreements relating to patent rights, in which the Union is a Party;
  - (e) cooperate with relevant patent rights related domestic organizations, international

- organizations, regional organizations and Members States;
- (f) with the approval of the Central Committee, form working groups necessary for taking action against patent rights related infringements and prescribing the duties of such groups;
  - (g) with the approval of the Central Committee, form working groups necessary for carrying out patent rights related matters and prescribing the duties of such groups;
  - (h) promote technological development by encouraging the use of patent information;
  - (i) conduct matters related to mandatory licenses, submitted by the Registrar, in accordance with the decision of the Central Committee;
  - (j) make decisions on the appeals against the Registrar's decision;
  - (k) prescribe the fees under this Law with the approval of the Union Government via the Central Committee;
  - (l) approve the office seal, which will be used to authorize various matters related to the registration of patent rights;
  - (m) submit work reports and other necessary reports to the Central Committee;
  - (n) submit annual patent rights report to the Central Committee;
  - (o) carry out intellectual property rights related functions assigned by the Central Committee from time to time.

## **Chapter (5)**

### **Functions and Duties of the Department**

9. The Department shall perform the following functions and duties:
- (a) make announcements on patent rights-related registration matters;
  - (b) maintain registration records related to patent rights;
  - (c) supervise the work of divisions formed and established according to the different intellectual property rights related fields;
  - (d) carry out patent rights-related functions assigned by the Agency from time to time.

## **Chapter (6)**

### **Appointment of Registrars and Examiners and Prescribing Their Functions and Duties**

10. The Ministry may appoint, according to the Agency's reports, Registrars and Examiners necessary to carry out intellectual property rights-related functions in the Department.
11. The functions and duties of a Registrar are as follows:
- (a) Supervising matters with related to the registration application and examination of patents;
  - (b) Coordinating and acting upon the reports submitted by the Examiners in the course of performing patent registration-related work;

- (c) Deciding matters related to the registration of patents;
  - (d) Performing intellectual property rights-related duties assigned by the Central Committee and Agency.
12. The functions and duties of an Examiner are as follows:
- (a) Examining the applications for the registration of patents;
  - (b) Examining objections and counter-objections regarding the application for patent rights and submitting them together with his findings and remarks to the Registrar;
  - (c) with the approval of the Registrar, summoning and examining persons necessary in performing matters related to patent registration and requesting necessary documentary evidence;
  - (d) after examining the application for patent registration, submitting it together with his opinion on whether the registration should be permitted to the Registrar;
  - (e) Performing intellectual property rights-related functions and duties as assigned by the Agency, Department and Registrar.

## **Chapter (7)**

### **Inventions Eligible for Protection**

13. Inventions which conform to the following in addition to not meeting any of the provisions set out in section 14 are eligible for protection:

- a) Novelty –

*Explanation* : An invention is novel if it is not previously existing technology. Previously existing technology includes technologies which have been printed and published, spoken of, used or disclosed to the public or includes technology which has been publicized in any manner or can be used by the public anywhere before the date of application for patent rights or, in the case of applying for right of priority, before the requested right of priority date.

- b) Inclusion of an inventive step –

*Explanation* : An invention, for which a patent right application has been made for, is considered to include an inventive step if an expert in a relevant technical field does not have the capability to easily understand it.

- c) Industrial applicability -

*Explanation* : Industrial applicability means that said invention is able to be produced or

used in an industrial enterprise. The expression 'industrial enterprise' broadly includes socioeconomic work that precede manufacturing and service work, especially handicraft, agriculture, livestock breeding, fisheries, trade and service enterprises.

## **Chapter (8)**

### **Inventions Ineligible for Protection**

14. (a) The following inventions are not eligible for patent rights protection:
- a) Discoveries, scientific theories and mathematical calculations;
  - b) Systems, rules and regulations or methods relating to conducting business, pure psychology, or games;
  - c) Pure computer programs;
  - d) Biological production processes mainly used for growing plants or rearing animals, except non-biological and microbiological production processes;
  - e) Plants and organisms which include all organism and plant species, DNA – including complementary DNA sequences, cells, cell lines, cell cultures and seeds, including whole or part of organisms and biological materials found in nature, with the exception of man-made microbiological organisms;
  - f) Surgical methods or treatment methods for the bodies of humans and animals including methods of diagnosis discovered by conducting experiments on the bodies of human and animals;
  - g) Inventions related to objects which are known to the public or chemical products which are prescribed as necessary, including objects existing in nature, new ways of usage and new forms;
  - h) Inventions which are detrimental to public morale, order, human beings, animals, plants, health or the environment and inventions for which use is prohibited by any existing law within the territory of the Union.
- (b) According to the policy of the World Trade Organization Trade-Related Aspects of Intellectual Property Rights Council, pharmaceutical products or production processes are ineligible for patent protection until 1 January 2033, unless specified otherwise by the Union Government.
- (c) The following are ineligible for patent rights protection under the policy of the World Trade

Organization Trade-Related Aspects of Intellectual Property Rights Council until 1 July 2021, unless specified otherwise by the Union Government:

- (1) Chemical products used in agriculture;
  - (2) Food products;
  - (3) Microbiological material.
- (d) The Union Government may amend the terms of protection ineligibility contained in subsections (b) and (c) with approval of the World Trade Organization Trade-Related Aspects of Intellectual Property Rights Council.

## **Chapter (9)**

### **Eligible Applicants for Patent Rights**

15. (a) The inventor is a right holder who is entitled to apply for patent rights and has the right to have his name written on the patent. Moreover, the licensee and the transferee of the inventor have the right to apply for patent.
- (b) In case the same invention is invented separately by more than one inventor, the inventor who submitted his patent application the earliest or, if there is a request for the right of priority, the applicant who legally obtained the earliest date of priority shall be entitled to patent rights.
16. All joint inventors of an invention are eligible to jointly apply for the patent of said invention.
17. When an invention is made under the employment contract between the employer and employee or as a consequence of said contract,:
- (a) Only the employer is eligible to apply for the patent for an invention made by an employee unless stated otherwise in the terms and conditions of the employment contract.
  - (b) If the employer has failed to apply for the patent within six months after the employee has informed him in writing that the invention has been completed, the employer's right to patent registration shall be considered forfeited and the employee has the right to apply for the patent for said invention.
  - (c) In case of applying for patent for an invention made within one year after the expiration of the employment contract, if the invention was made by the employee in the field of the former employer, it shall be regarded as an invention made under the expired employment contract and the employer is eligible to apply for patent, provided that this does not contradict the terms and conditions of the employment contract and the employee has failed



to prove otherwise. However, only the employee shall be eligible to apply for the patent under any of the following conditions:

- (1) There is agreement that the former employer has not applied for the patent of said invention.
- (2) The former employer is unable to refute the evidence submitted by the employee.
- (3) As the former employer has failed to apply for the patent according to subsection (b), the employee is applying.
- (d) If an employee creates an invention, which is related to the work of the employer but not assigned by said employer, by using the employer's equipment, data or technology, only the employee is eligible to apply for the patent of the invention unless stated otherwise in the terms and conditions of the employment contract.
- (e) If an employee has made an invention aside from ones provided in subsections (a), (c), and (d), only the employee is eligible to apply for the patent for said invention unless stated otherwise in the terms and conditions of the employment contract.

## **Chapter (10)**

### **Application**

18. Eligible patent applicants under this Law, who wish to receive patent rights, shall apply as prescribed to the Registrar for grant of patents.
19. The applicant for a patent:
  - (a) May complete the application for patent in Myanmar or English.
  - (b) Shall translate the application in Myanmar into English or vice versa if requested by the Registrar to do so.
  - (c) Shall write a statement that the translation under subsection (b) is true and correct and sign said statement.
20. (a) The applicant for the patent shall state the following in his application:
  - (1) Request to grant the patent;
  - (2) Name, nationality and address of the individual or legally formed organization applying for the patent and the inventor;
  - (3) Name, Citizenship Scrutiny Card number, and address of the representative in cases where the applicant has entrusted such matter to a representative;

- (4) Complete description of the invention;
  - (5) Name and brief description of the invention;
  - (6) Requests to grant one or more patents, which have been described in the prescribed manner.
- (b) In addition to the provisions contained in subsection (a), the following must also be submitted together if necessary:
- (1) Address and name of country of the applicant's important industry or business if any;
  - (2) if the applicant is applying on behalf of a legally formed organization, the registration number, type and name of country of said organization;
  - (3) Any writings or drawings, which explain the invention, if any;
  - (4) if the applicant has requested the right of priority, the request to grant right of priority and description together with sufficient evidence proving that the applicant has the right of priority;
  - (5) if the applicant has requested the right of priority for trade exhibitions, the request to grant the right of priority for trade exhibitions and description together with sufficient evidence proving that the applicant has the right of priority for trade exhibitions;
  - (6) if one of the joint applicants signs the application on behalf of all joint applicants, a written agreement by all the remaining joint applicants;
  - (7) Statement of legal use of traditional knowledge in combination or not in combination with genes or biological resources as well as genes and biological resources themselves and description of direct or indirect use in making the invention in question;
  - (8) Request for early announcement if the applicant wishes so;
  - (9) Other requirements occasionally prescribed by the Agency and Department.

21. The date on which the Department receives the application for patent, for which prescribed fees are paid and which fully conforms to the prescriptions in section 20 (a), shall be considered the submission date of the application within the Union.

22. (a) The description of the invention shall be written so as a person having ordinary skill in art can operate said invention. The aforementioned description shall be described using the

best method known to inventor on the date of application or the date on which the right of priority is requested if such right is requested.

- (b) If the description of the invention requested under subsection (a) includes, at the date of application, sufficient information which allows a person having ordinary skill in the art in a related technical field to use or make the invention, said description shall be deemed sufficient, complete and clear, and must not be examined excessively.
  - (c) If genetic or biological resources within the Union's territory or information related to traditional knowledge that is related or not related to said resources were used directly or indirectly without prior permission in making the invention for which protection is requested, they must be stated clearly in the patent description.
23. (a) The request or requests for the grant of patent must specify the points for which protection is requested.
- (b) The request or requests for the grant of patent must be clear and concise. In explaining them, descriptions and writings and drawings may be used.
24. (a) If disputes arise when more than one applicant submits patent applications on different dates for identical inventions that was separately invented by each applicant, only the applicant who submitted an application, which meets the stipulated requirements for registration, the earliest shall be allowed to register.
- (b) If disputes arise when each applicant has requested right of priority or right of priority for trade exhibitions in an application under subsection (a), only the applicant who submitted an application, which meets the stipulated requirements for registration, with the earliest priority date shall be allowed to register.
25. If more than one applicant applies for grant of patent on the same day or requests the same date of priority for identical inventions that were invented separately:
- (a) The Registrar must instruct all applicants to discuss amongst themselves and resubmit the name of the applicant, who will be designated as the applicant for a patent, within the prescribed period.
  - (b) According to the Registrar's instructions, applicants shall resubmit the name of the applicant who will be designated as the applicant for a patent or state that they wish to be designated as joint applicants, if agreed so after discussing among all applicants, to the Registrar.

- (c) All applicants must follow the Registrar's decision, which was made according to stipulations, if an agreement cannot be reached among them even though the Registrar has provided the instructions under subsection (a).
26. (a) The applicant for a patent shall request the Registrar to make a detailed examination concerning the application within 36 months from the date of application and pay the prescribed fee. The Registrar shall make an announcement of said request in the prescribed manner.
- (b) If the request in subsection (a) is not made within the prescribed period, the patent application shall be considered forfeited.
27. A patent application shall be relevant to just one invention or an invention that is related to becoming a general concept of invention.
28. The patent applicant:
- (a) May, after paying the prescribed fee, apply to the Registrar to amend the application, translation or any documentary evidence due to text errors or other errors, which may be amended, before the Registrar makes a decision on the grant or refusal of the patent or before the Agency makes a decision in the appeal case against the decision of the Registrar.
- (b) May amend the application before the patent is granted, without exceeding the descriptions contained in the original application.
- (c) (1) May request the Registrar, until the patent is granted, to separate the application, which is not in conformity with section 27, into more than one separate application without adding to the descriptions contained in the original application.
- (2) The date of the original application or, if the right of priority is requested, the requested priority date shall be considered the submission date of each separate application.
- (d) May request the Registrar for the withdrawal of the patent application.
29. The Registrar may allow the amendments after examining the requests in section 28 according to stipulations.

## **Chapter (11)**

### **Examination, Opposition and Registration**

30. An Examiner shall, in connection with patent applications,:
- (a) Must categorize the invention in accordance with international classifications, examine

whether it conforms to the provisions in sections 19 and 20, and submit the applications which conform to stipulations, together with his remarks to the Registrar.

- (b) Must, with the Registrar's approval, notify the applicant, whose application did not meet the stipulations, to amend the application as necessary after examining whether the application conforms to the provisions in sections 19 and 20. If the applicant fails to amend the application within 60 days from the receipt of said notice, then the application shall be considered withdrawn.
  - (c) if the amendments made according to the provisions in subsection (b) are received, the Examiner must reexamine and submit them and his remarks to the Registrar.
31. (a) The patent applicant or owner of patent may reapply, if the following conditions are met, for the grant of patent rights when the failure to complete one step of the process within the stipulated period of time results in the loss of rights connected to the relevant patent or application:
- (1) Submitting a request within 60 days from date of withdrawal due to the failure to comply within the stipulated period;
  - (2) Attaching all explanations, information or requirements with regards to the failure to comply within the stipulated period;
  - (3) Stating sufficient reasons for not complying within the stipulated period in the request;
  - (4) The prescribed fee has been paid;
- (b) The Registrar shall suspend the regranting of rights under subsection (a) under the following circumstances:
- (1) An application for appeal has been submitted;
  - (2) A lawsuit has been filed between the two parties.

32. With regards to the patent application, the Registrar must examine the Examiner's remarks and make a public announcement, in accordance with stipulations, for the application that is in line with stipulations at the end of 18 months from the date of application or, if there is a request to make the announcement on an earlier date, on such requested date in order to notify the public and allow for objections to be made.

33. If a person wishes to make an opposition regarding a patent application, he may submit an objection form to the Registrar, after paying the prescribed fee, within 90 days from the date of the announcement

under section 32 due to any of the reasons set out in sections 13 and 14 of this Law.

34. Upon receipt of the objection form, the Registrar shall serve a notice to the applicant so that the applicant will be able to defend against the opposition within the prescribed period.

35. The Registrar may instruct to continue proceeding with the patent application, instruct to amend, or revoke the patent application for which opposition is submitted after reviewing the opposition and the Examiner's findings and remarks. The Registrar must inform his decision to the person who submitted the opposition form and the person against whom the opposition form was submitted and make an announcement in the prescribed manner.

36. With regards to the application to make a detailed examination of the patent, the Examiner shall examine whether the patent conforms to the criteria in sections 13, 14, 22, 23, and 27 and submit it, together with his remarks, to the Registrar.

37. With regards to a patent application, the Registrar:

- (a) May grant or refuse the patent after reviewing the Examiner's remarks.
- (b) Shall record the grant or refusal of the patent in the registration records and notify the applicant. In addition, he must make an announcement of the grant or refusal in the prescribed manner to inform the public.
- (c) Shall issue the patent certificate to the applicant if the patent is granted.

38. The Registrar may inform the patent applicant to submit the following documents in order to examine the patent application, which has been submitted in a foreign country as well as the Union:

- (a) Copies of the findings and examination reports made by the intellectual property rights office of any relevant foreign country, which the applicant has received;
- (b) Certified copy of the patent certificate obtained by applicant in a foreign country;
- (c) Where any foreign intellectual property rights office has refused the patent application, refused the request contained in said application, or invalidated or cancelled any patent granted under said application, a copy of the aforementioned decisions.

39. With regards to the examination of a patent application, the Registrar may request government organizations, international organizations or foreign patent offices to examine the patent application, with the approval of the Agency.

40. The patentee may:

- (a) Apply to the Registrar, after paying the prescribed fees, to issue a certified copy of the patent certificate in cases of loss or damage of the original patent certificate.

- (b) Apply to the Registrar, after paying the prescribed fees, to amend writing errors and other errors, which may be corrected, or nationality and addresses contained in the registration records.
41. The Registrar:
- (a) Shall issue a certified copy of the patent certificate after examining the application under subsection (a) of section 40.
  - (b) May allow the amendment after examining the application under subsection (b) of section 40.
42. (a) In cases where the Registrar considers matters in the patent application as harmful to national security of the Union and safety of the public, said Registrar may keep said application confidential, with the approval of the Agency, without making an announcement until he receives clearance from the relevant ministry with regards to matters in the patent application, which was submitted according to stipulations.
- (b) The relevant ministry may, after providing suitable compensation to the applicant, examine or keep information confidential or transfer economic rights related to the application to the relevant government department.
  - (c) With regards to an application which is considered to contain information that can harm the Union's national security and public safety, any person residing in the Union may not apply for patent in another country without the Registrar's approval if the remarks under subsection (a) are not received or if the grant for patent is withdrawn.
  - (d) A patent applicant may request the relevant ministry in order to receive the suitable compensation under subsection (b). If the applicant is not satisfied with the compensation amount, he may apply to an intellectual property rights court.
  - (e) If there is no longer a need to continue keeping a patent application confidential according to the remarks of the relevant ministry, the Registrar may withdraw the keeping of the patent application confidential under subsection (a).

## **Chapter (12)**

### **Right of Priority**

43. If a patent applicant who has applied in a Member State of the Paris Convention or in a Member State of the World Trade Organization or any transferee of said applicant applies to the Department for

registration of the same invention within one year from date of initial application, the date of the original application shall be considered as the date of the application and he shall enjoy the right of priority from said date.

44. If the applicant requests the grant of a patent for the same invention which was displayed at an international trade exhibition authorized or recognized by a Member State of the Paris Convention or a Member State of the World Trade Organization, to the Department within one year from the initial date of displaying the invention, the date of initial display shall be considered as the date of application and he shall enjoy the right of priority for trade exhibitions.

45. The right of priority for trade exhibitions shall not exceed the term of right of priority, which starts from the date of an application made under section 43.

46. An applicant may submit a request, in accordance with subsection (a) of section 31, to the Registrar for obtaining the right of priority again when he has failed to submit documents within the prescribed period.

### **Chapter (13)**

#### **Term of Patents and Annual Fees**

47. The term of patent shall be 20 years from the submission date of the patent application.

48. The patentee or patent applicant shall pay the annual fees, which are determined periodically, in the following manner to the Department for the purpose of maintaining the patent or patent application:

- (a) Prescribed fee shall be paid within six months before the due date of the annual fee.
- (b) For late payment of annual fees, payment shall be made within only six months granted as the grace period, starting from the day after the date on which the payment period for the annual fee expires. In making this payment, the prescribed annual fee as well as overdue penalties shall be paid.

49. The Registrar:

- (a) Shall record payment of annual fees in the registration records.
- (b) Shall cancel the patent or patent application for which annual fees are not paid within the six-month grace period.
- (c) May maintain a cancelled patent, without making an announcement, before the end of one year after the prescribed payment period if the failure to pay the annual fee is considered to be sufficient and does not damage the rights of other persons.
- (d) Shall record the cancelled patent or patent application in the registration records and make a



public announcement in the prescribed manner.

50. In cases of exceeding the last date prescribed in section 48, the applicant or patentee may request the Registrar for the re-grant of rights, provided that it conforms to the requirements contained in section 31.

## **Chapter (14)**

### **Patent Rights**

51. A patentee, who complies with the provisions contained in chapter 13, is entitled to the patent rights contained in this chapter during the term of the patent.

52. Without prejudice to the provisions contained in section 54, the patentee:

(a) as an exclusive right:

(1) Shall be entitled to prevent or prohibit, in accordance with this Law, another person from manufacturing, using, offering for sale, selling or importing his patented product without his approval.

(2) Shall be entitled to prevent or prohibit, in accordance with this Law, another person from using his patented production process or carrying out the acts contained in item (1) of subsection (a) for a product which is manufactured using said production process without his approval.

(b) Shall be entitled to pursue civil action against those who infringe upon patent rights.

(c) May transfer his patent rights or grant licenses to any other person, in accordance with the provisions contained in Chapters 15 and 16.

53. An employer shall obtain a non-exclusive license for an invention, which the employee is entitled to apply for a patent under subsection (d) of section 17.

54. Patent rights shall not apply to the following:

(a) Non-commercial or individual use of a patented invention;

(b) Making an invention for the purpose of experiments or research;

(c) Use of patent-related instruments, tools or implements on aircraft, land vehicles or vessels, which have entered into the territory of the Union from abroad temporarily or accidentally due to an unexpected event;

(d) Use or preparation for such use, in good faith, of a patented invention by any person before the patent application date or before the requested date for right of priority;

(e) with regards to sales, offers to sale or import, trading of patented products already in the

- market by the patentee or with his approval;
- (f) with regards to the manufacture, use, construction, sale or importation of any product, making, constructing, using, selling or importing patented inventions solely for use in absolute connection with compiling and submitting required information under any law of the Union or any other country;
  - (g) Compounding medication in pharmacies for an individual according to the prescription given by a registered medical or dental practitioner.
55. In case more than one person owns a patent and there is no agreement in any way among them:
- (a) A patentee is equally entitled to patent rights, which have not been apportioned yet.
  - (b) A patentee may transfer or grant licenses for his patent rights, which have not been apportioned yet, to any other person.
  - (c) A patentee is entitled to pursue civil action, without the approval of any other joint patentee, against an infringer of patent rights.
  - (d) An individual or a legally formed organization, who is a legal successor of a patentee's patent rights, is entitled to rights contained in subsections (a), (b) and (c).

## **Chapter (15)**

### **Transfer of Patent Rights**

56. (a) An applicant for patent rights may apply to the Registrar to record the transfer of the patent application to any individual or legally formed organization in accordance with the stipulations.
- (b) A patentee may apply to the Registrar to record the transfer of ownership of his patent to any individual or legally formed organization in accordance with the stipulations.
57. If the patent applicant, the transferee in subsection (a) of section 56, the patentee, or the transferee in subsection (b) of section 56 applies to record the transfer of ownership after paying the prescribed fee, the Registrar shall record said transfer of ownership and make a public announcement in prescribed manner.
58. With regards to the transfer of patent ownership, such transfer shall not be effective unless there is an application to the Registrar to record said transfer.
59. With regards to any invention directly derived from genes, biological resource or traditional knowledge of the Union, the Agency:
- (a) May instruct the patentee to transfer the profit from the patent-related enterprise to a

relevant organization if it is found that the applicant mistakenly applied for a patent with an omission that does not conform to item (7) of subsection (b) of section 20 and said patent was granted.

- (b) Shall withdraw the patent application or instruct to relinquish the patent when, after transferring the profits from the patent-related enterprise under subsection (a), the patent becomes excessively related to the public or matters concerning morality and order emerge.

## **Chapter (16)**

### **Granting of Licenses**

60. A patentee may license any individual or legally formed organization to use his registered patent after setting the terms and conditions.

61. The patentee or his licensee shall apply to the Registrar to record the granting of license, together with a certified copy of the memorandum of license agreement, after paying the prescribed fee.

62. With regards to the application to record the granting of license under section 61, the Registrar shall record such granting of license and make an announcement in the prescribed manner if it is found upon examination that such granting of license does not abuse patent rights and does not oppose competition, does not directly or indirectly harm the interests of the Union, is not likely to hinder or interfere with technical expertise and development in general, or does not contain any clause that renders any of the said consequences.

63. If the patentee or licensee of said patentee applies to the Registrar to cancel the recorded grant of license in conformity with stipulations, the Registrar shall cancel such granting of license from the record and make an announcement to the public in the prescribed manner.

64. With regards to the granting of license of a patent, such granting of license shall not be effective unless there is an application to the Registrar to record said granting of license.

## **Chapter (17)**

### **Compulsory Licenses**

65. (a) An individual or a legal entity may apply to the Registrar for compulsory licenses, in accordance with stipulations, under any of the following circumstances:

- (1) Urgent need in the public goods of national defense, food security, health, or crucial sectors in the development of the national economy;

- (2) when the judicial or administrative body decides that method of use by the patentee or the licensee opposes competition, using the invention in accordance with this subsection remedies said opposition to competition;
  - (3) the patentee abuses his exclusive rights or neglecting to prevent his licensee from abusing the authorized exclusive rights;
  - (4) Sufficient quantity or quality, or reasonable prices of invention cannot be obtained in the Union either by producing said invention in the Union or importing into the Union.
  - (5) Concerning an invention that contains a crucial advancement of technology and possesses promising economic potential, the requested second patent is related to invention for which the first patent was requested and the second patent cannot be put into effect without using the first patent.
- (b) The Registrar shall review the requests applied under subsection (a) and report to the Agency. With the decision of the Central Committee, the Agency may grant the requests by prescribing the terms and conditions or refuse the requests submitted by the Registrar.
66. (a) If one or both Parties wishes, the Committee will hear and examine on the patentee's request to cancel a compulsory license issued to an individual or a legally formed organization and will cancel said license if it is found that it does not conform with the provisions set out in subsection (a) of section 65 or the licensed individual or legally formed organization fails to comply with the terms and conditions of said license.
- (b) Although the license should be cancelled according to subsection (a), the Agency shall not cancel a compulsory license if it considered that the decision to allow the continued use of said license is consistent with the need to adequately protect the lawful interests of the authorized individual or organization, or said license was issued to remedy the opposition to competition under item (2) of subsection (a) of section 65, or the conditions, upon which the decision to issue such license was made, are likely to occur again.
67. As exclusive rights may not be exercised under a compulsory license, it may not be used in the following:
- (a) Use of the patentee's invention in producing or importing goods or both in the Union by the aforementioned patentee;
  - (b) Entering into agreements to grant licenses with the patentee's approval;

- (c) Continued exercise of patentee rights contained in section 52 by the patentee.
68. In issuing compulsory licenses under section 65, the Agency shall:
- (a) Inform the relevant patentee as soon as possible of said issuance;
  - (b) Include the terms and conditions of the license, such as the date on which the licensee shall start to use the patented invention, term of license, and compensation to be given to the patentee
69. (a) Damages incurred due to the issuance of a compulsory license concerning a pharmaceutical product or a production process for a pharmaceutical product in a circumstance in which another production process for an identical pharmaceutical product is not known or available shall be decided according to the terms and conditions contained in the General Council of the World Trade Organization's 30 August 2003 decision.
- (b) A compulsory license shall not be applied, on grounds that a patented product or a product made using a patented process cannot be sufficiently produced as described in item (4) of subsection (a) of section 65, within four years from the application date of the patent or before three years from date of the granting of patent, whichever is later. Furthermore, if the patentee is able to defend by satisfactorily explaining the reasons for the inability to perform or sufficiently perform, said application shall be refused.
  - (c) If one or both Parties wishes, the Agency will hear and examine on the request of the patentee or the licensee, and amend the prescriptions contained in the decision to grant the patent license, in proportion to the changes in the conditions upon which said decision was made.
  - (d) Compulsory licenses may only be transferred to the branches of the licensee's business.
70. (a) In applying for compulsory licenses under section 65, evidence showing that the patentee has not provided authorization containing suitable commercial terms and conditions within a reasonable period of time although the request for the granting of license was received from the license applicant.
- (b) In granting licenses for urgent matters or other exigencies of the Union, or use for the benefit of the public and not for economic profit, or to remedy oppositions to competition, as decided by the judiciary or administrative processes, attachment of evidence under subsection (a) concerning past efforts to obtain a license is not required.
71. Use of the invention by an individual or legally formed organization granted license by the

committee shall be mainly to meet the market needs of the Union except when granting the license to remedy activities that oppose competition under item (2) of subsection (a) of section 65 or when compulsory license is related to a patent requested for a pharmaceutical product or a production process for producing pharmaceutical products and the aim of issuing the license is to export said products into the countries or territories of countries that are incapable or incapable of sufficiently producing said products, according to the terms and conditions contained in the World Trade Organization's General Council's decision dated on 30 August 2003.

72. When granting compulsory licenses under item (5) of subsection (a) of section 65,:

- (a) The first patentee shall have the right to set suitable terms and conditions and allow the reciprocal use of inventions requested in the second patent.
- (b) Transfer of the right to grant licenses for the first patent is prohibited except for the granting of licenses for the second patent.

73. Any person who is not satisfied with the decision regarding the request for grant of compulsory licenses, or the decision related to the granting of said license, including the decision on damages, may file a suit at an Intellectual Property Rights Court under section 94.

## **Chapter (18)**

### **Surrender and Revocation of Patents**

74. The patentee may:

- (a) Surrender the patent to the Registrar at his own free will.
- (b) When a patent is jointly owned by more than one person and the patentees have not reached an agreement using another method, the patent may be surrendered back to the Registrar with the agreement of all joint patentees.

75. The Registrar shall examine the surrender of the patent before recording it in the registration records and making an announcement to the public in the prescribed manner.

76. If it is found that an individual or legally formed organization meets any of the provisions in section 77, an application may be submitted to the Registrar to revoke all or part of the patent.

77. Upon the application of a relevant individual or legally formed organization, the Registrar shall revoke all or part of the patent if it fulfills any of the following:

- (a) It is found that the invention does not fulfill the patent eligibility requirements under sections 13 and 14;
- (b) Emergence of sufficient evidence that the patentee is not eligible to obtain a patent;

- (c) It is found that amendments to the patent application exceed the descriptions requested in the original application, which have been publicly announced;
- (d) It is found that the patent was obtained through fraud, misrepresentation, or omission of any prescribed critical information;
- (e) Clandestine use of the invention in the patent request before the requested right of priority date;
- (f) The patent applicant fails to produce required information or incorrectly describes information to the Registrar;
- (g) Receipt of the Intellectual Property Rights Court's final decision or judgment regarding the application to revoke the patent.

78. The Registrar may cancel the patent or patent application from the registration records if any of the following conditions are found:

- (a) The applicant has violated the order to keep confidential under subsection (a) of section 42 or has applied for a patent in another country, in violation of subsection (c) of section 42;
- (b) Nullification due to the failure to pay the annual fees under subsection (b) of section 49;
- (c) Genes or biological resources used in the invention or an invention derived from traditional knowledge is not described according to item (7) of subsection (b) of section 20 or is described incorrectly.

79. The Registrar shall record any revocation of patents in the registration records, inform the relevant patentee and make a public announcement of said revocation in the prescribed manner.

## **Chapter (19)**

### **Minor Inventions**

80. (a) Registration for a minor invention patent may be applied if the minor invention in said application is novel and can be used in industrial enterprises.
- (b) The following shall not be eligible for minor invention protection:
- (1) Phases of a working process;
  - (2) Chemical, pharmaceutical, biological, or mineral substances or compounds, or other substances or compounds;
  - (3) Objects prohibited from patent protection under this Law;
  - (4) Sculptures, architecture or natural ornaments.

- (c) The minor invention description shall be complete and clear so that a person having ordinary skill in the art in the respective technical field can continue making said minor invention, and the description must especially include how the minor invention improves the utility and performance of an object.
  - (d) Without prejudice to the provisions contained in this Chapter, provisions concerning patent rights and patent applications may be used *mutatis mutandis* in granting minor invention patents.
81. The term of the minor invention is 10 years from the application date of the minor invention patent.
82. With regards to the application for minor invention patents, the Examiner shall:
- (a) Submit applications, which conform to stipulations, to the Registrar together with his remarks after examining whether it conforms to the definition in subsection (1) of section 2, and conducting examinations according to the provisions in section 19, section 20, and subsection (b) of section 80.
  - (b) Notify the applicant, with the Registrar's approval, so that the application can be amended as necessary in cases where the application does not conform to stipulation after examining in accordance with the provisions contained in subsection (a). If the applicant fails to comply within 30 days from the date of receiving the notice, said application shall be deemed forfeited and revoked after reporting to the Registrar of such matters.
  - (c) Submit the application to the Registrar together with his remarks after examination if the necessary amendments received within the prescribed period contained in subsection (b).
83. The Registrar shall examine the Examiner's remarks under section 82 and make a public announcement according to the prescribed manner for applications that conform to stipulations in order to notify the public and allow for opposition, if any.
84. (a) With regards to minor invention patents, any person who wishes to oppose may submit the opposition form together with sufficient evidence to the Registrar within 60 days from date of the announcement after paying the prescribed fees.
- (b) Upon receipt of the objection form, the Registrar shall serve a notice to the applicant so that the applicant will be able to defend against the opposition within the prescribed period.
  - (c) The Examiner shall examine the opposition and defense regarding the application for minor invention patents and submit them together with his findings and remarks to the Registrar.
85. With regards to an application for minor invention patent, the Registrar:



- (a) May grant the application for minor invention patent if no opposition form is submitted within 60 days from the date of public announcement.
  - (b) if an opposition form is submitted, may grant or refuse the application after examining the opposition as well as the Examiner's findings and remarks.
  - (c) Shall record the grant or refusal of registration in the registration records and notify the applicant. Furthermore, said grant or refusal shall be announced to the public in the prescribed manner.
  - (d) Shall issue the certificate of minor invention patent to applicant if granted.
86. The Registrar may, upon application by a relevant individual or legally formed organization, revoke a minor invention patent that fulfills any of the following:
- (a) Not conforming to the stipulations contained in subsections (a) and (b) of section 80;
  - (b) Emergence of sufficient evidence that the minor invention patentee is not entitled to obtain the patent for the minor invention.
87. (a) Before the granting or refusal of a patent, a patent applicant may, at any time, pay the prescribed fees and change his patent application to a minor invention patent application for which the application date will be the original application date.
- (b) Before the granting or refusal of a minor invention patent, a minor invention patent applicant may, at any time, pay the prescribed fees and change his minor invention patent application to a patent application for which the application date will be the original application date.
- (c) The application under subsection (a) shall not be changed more than once.
88. For an identical invention, an applicant may not submit a minor invention patent application and a patent application at the same time or consecutively.

## **Chapter (20)**

### **Application for International Registration**

89. After the Union has entered the International Patent Cooperation Treaty as a Member State, any patent applicant from within the country or abroad, who wishes to use the international registration system, may apply to the Registrar, in accordance with stipulations.
90. The Registrar shall consider the date which the international application was granted under the International Patent Cooperation Treaty as the date of application in the Union and such application shall

be deemed a patent application submitted under this Law.

91. With regards to international applications submitted by a Myanmar citizen or a person residing in the Union, the Department shall be the office for receiving applications.

92. With regards to an international application submitted to the Union for patent or minor invention patent protection under this Law, the Department shall be the responsible office for carrying out the functions.

## **Chapter (21)**

### **Appeals**

93. (a) Any person not satisfied with a decision by the Registrar under this Law may appeal to the Agency within 60 days from date of announcement of said decision.

(b) In an appeal under subsection (a), the Agency may confirm, revoke or amend the decision of the Registrar or instruct to obtain further evidence.

(c) If additional evidence under subsection (b) is submitted, the Agency may confirm, revoke, or amend the decision of the Registrar.

94. Any person not satisfied with the decision of the Agency may appeal to the Intellectual Property Rights Court, which has been conferred jurisdiction for this purpose by the Supreme Court, within 90 days from date of receiving notice of said decision.

## **Chapter (22)**

### **Establishment of Intellectual Property Rights Courts**

95. The Supreme Court:

(a) May establish Intellectual Property Rights Courts in suitable areas to adjudicate over criminal and civil cases related to matters of intellectual property rights and appoint judges to these courts.

(b) May grant the judges, appointed under subsection (a), jurisdiction and mandate in order to adjudicate cases related to intellectual property rights.

(c) May grant the jurisdiction and mandate of the intellectual property rights courts to suitable courts in order to adjudicate cases related to intellectual property rights before the establishment of Intellectual Property Rights Courts under subsection (a).

(d) Must stipulate the jurisdiction and mandate of the Intellectual Property Rights Courts

which have the authority to handle the appeals and revisions of the judgments, orders and decisions of Intellectual Property Rights Courts.

- (e) Must grant jurisdiction and mandate to suitable Intellectual Property Rights Courts to adjudicate applications under section 94.

## **Chapter (23)**

### **Authority of Intellectual Property Rights Courts regarding Infringement upon Patent Rights**

- 96. (a) The right holder may apply, according to provisions in sections 97 and 98, for a miscellaneous suit to the Intellectual Property Rights Court to issue provisional measures orders.
- (b) The right holder may apply to the Intellectual Property Rights Courts for civil action.
- 97. (a) With regards to cases of alleged infringement of patent rights, the Intellectual Property Rights Court may decide on one or more of the following provisional measure orders upon application under subsection (a) of section 96:
  - (1) a suitable order to prevent the infringement of patent rights and the entry of products which infringe upon such rights, including cases where customs duties for the imported goods have been paid, into the Union's commercial area;
  - (2) a suitable order to maintain the original condition of evidence relating to products that allegedly infringe upon patent rights.
- (b) The Intellectual Property Rights Court may request the following from the applicant in order to carry out provisional measures:
  - (1) Sufficient evidence to prove that the applicant is the right holder and that his right is being infringed upon or is likely to be infringed upon;
  - (2) Sufficient security to prevent the abuse of the provisional measure process;
- (c) The Intellectual Property Rights Court may direct the applicant to provide any other necessary information to distinguish the alleged infringing goods in order to carry out the provisional measures under subsection (a).
- (d) Without prejudice to subsection (b) of section 98 and upon the request of the respondent, the Intellectual Property Rights Court shall withdraw or terminate the effectiveness of the provisional measure orders made under subsection (a) of section 97 and subsection (a) of section 98 if it has not commenced civil litigation within a reasonable period stipulated by

the Intellectual Property Rights Court or in case of no such stipulation, within 30 days from the issue date of the provisional measure order.

- (e) Upon the request of the respondent, the Intellectual Property Rights Court may order the applicant to pay the respondent a reasonable amount for damages due to the withdrawal of the provisional measure order, the failure or actions of the applicant which lead to the cessation of effectiveness of such order, or where it is found that there is no infringement or there is not likely to be any infringement upon patent rights.

98. (a) The Intellectual Property Rights Court may issue provisional measure orders *in absentia* under any of the following conditions:

- (1) A delay which can cause irreparable damage to the right holder;
  - (2) Actual threat that the evidence will be destroyed or lost.
- (b) When carrying out a provisional measure *in absentia*, the Intellectual Property Rights Court shall:
- (1) Notify the respondent about the provisional measure order immediately after the actions in said order are carried out.
  - (2) Carry out the actions in said order to completion if the respondent fails to comply within the period prescribed by the Intellectual Property Rights Court or, in the absence of such prescription, 30 days from the date of issuance of the order.
  - (3) at the request of the respondent, must hear from both sides in order to amend, revoke or confirm the provisional measures within a reasonable time.

99. With regards to the infringement of patent rights, an Intellectual Property Rights Court may issue one or more of the following orders without prejudice to any civil laws and the Code of Civil Procedure in a suit under subsection (b) of section 96:

- (a) An appropriate order to prevent the infringement of patent rights, including the prevention of imported goods, which violate patent rights and for which Customs duties have been paid, from entering the commercial area of the Union;
- (b) An order for the infringer to pay a sufficient sum to the right holder to compensate for the damages suffered by the right holder due to the infringement of patent rights or, in appropriate cases, the amount of damages set beforehand by the right holder or the profits enjoyed by the infringer or both;
- (c) An order to pay for reasonable expenses incurred by the right holder, including court fees and attorney fees.

100. (a) Upon the application of the right holder, the Intellectual Property Rights Court may decide the following in final decisions for the infringement, with regards to evidence and in accordance with civil procedures:
- (1) Destruction of goods found to be infringing or to prohibit the entry of such goods into trade routes;
  - (2) Prohibit the entry of materials, implements, tools or instruments mainly used to make the infringing goods, without paying any compensation, in order to prevent them from entering the trade routes and to discourage further infringement.
- (b) The Intellectual Property Rights Court shall consider the following in exercising its own discretion under subsection (a):
- (1) Effects of issuing the prevention order;
  - (2) Proportionality between destruction and the extent of infringement;
  - (3) Effect of the destruction method on the environment;
  - (4) Negative effect on the lawful interests of other persons.
101. The Intellectual Property Rights Court may order the applicant to pay the defendant compensation in addition to court fees and other expenses, including attorney fees, in cases where the applicant falsely alleges, without good faith, that his patent rights have been infringed on.
102. (a) In a civil suit concerning the infringement of the patentee's rights where the subject matter in the patent is a production process, the Intellectual Property Rights Court may order the respondent to prove that the production process used to produce the identical good is different from patented production process.
- (b) In cases where a good produced by a patented production process is novel, any identical good that is produced without the patentee's approval will be considered as being produced by the patented process if said good cannot be proven to be different.
- (c) The Intellectual Property Rights Court shall consider the lawful interests of the respondent, who has been accused of infringement, when requesting evidence under subsection (a) if said respondent did not disclose own production processes and trade secrets.
103. (a) The Intellectual Property Rights Court may, without prejudice to the provisions of existing laws, issue an order requiring the other Party to submit evidence, while protecting confidential information for appropriate cases, under the following conditions:
- (1) When the right holder has submitted sufficient evidence to adequately support his

claims;

(2) When it is clearly described that sufficient evidence relating to such claims is in the possession of the other Party.

(b) Without sufficient grounds, the Intellectual Property Rights Court may, of its own discretion in infringement cases, make preliminary and final decisions, such as acceptance or refusal, under the following situations, based on information, including mutual accusations, made by the grieved party and the infringer against each other, after holding a hearing between the Parties based on their evidence and accusations:

(1) Refusing to provide information;

(2) Failure to deliver the necessary information within a reasonable period;

(3) Significantly hindering procedures related to taking action;

104. The Intellectual Property Rights Court may use provisions in the Evidence Act, the Civil Procedure Code, and other related existing laws to issue orders in cases related to the infringement of the rights of a patent if there are no specific provisions in this Law.

## **Chapter (24)**

### **Penalties**

105. Any person convicted of any of the following activities shall be penalized with imprisonment of no more than one year, a fine of not more than two million kyats, or both:

(a) Issuing or causing to issue a false patent certificate or a minor invention patent certificate;

(b) Making or causing to make a false entry in the registration records without good faith.

(c) Disclosing the patent application as well as documents related to the details of the invention, without authorization, to a person who is not relevant, disclosing to the public, or to allow their use within the stipulated period prior to announcement;

(d) Disclosing the details of the invention, without authorization, to a person who is not relevant, disclosing to the public, or to allow their use.

106. With regards to a good, whoever is convicted of misrepresenting, in any manner, that he has filed a patent application without doing so or after his application filed has been rejected or that he has been granted the patent without possessing such grant shall, upon conviction, be punished with imprisonment of no more than six months, a fine not exceeding two million kyats, or both.

## **Chapter (25)**

### **Miscellaneous**

107. Regardless of the provisions in any other existing law, any offence related to patents shall be punished according to this Law only.

108. The Registrar shall give an opportunity, in accordance with stipulations, to hear any person who suffered a loss due to a decision made by said Registrar using his discretion and authority conferred under this Law.

109. A copy of the patent certificate and documentary evidence, which have been signed and sealed by the Registrar, are allowed to be submitted as evidence in relevant Intellectual Property Rights Courts.

110. If the applicant's permanent residence or business is located outside of the territory of the Union, he may apply for a patent, in accordance with the provisions in the Law, through a registered patent attorney, in the prescribed manner.

111. An invented product and a production process possess shall be considered movable properties regardless of whether or not they possess a form or are tangible.

112. Infringements of patent rights under this Law are not applicable to the non-commercial use of a patented good for the benefit of the public, during a national emergency and event of public danger, by any government department and legally formed organization.

113. Any dispute arising between persons, with regards to patents, may be settled by peaceful negotiation between both Parties or arbitration or litigation.

114. In order to carry out the provisions in this Law, the Ministry must take charge of the office work of the Central Committee and the Agency in addition to bearing the costs.

115. The Ministry, with the Union Government's approval, must stipulate the honoraria and fees of the Central Committee members, Agency members, and working group members whom are not public servants.

116. The office term of the Union-level persons under this Law is the same as the President's office term.

117. In order to carry out the Agency's work, the Ministry may establish and assign the Department and divisions according to the different intellectual property rights fields.

118. The Central Committee and Agency established under this Law shall be considered as applicable to

all intellectual property rights laws.

119. For the purpose of carrying out the provisions in this Law:

- (a) The Supreme Court may issue judiciary-related rules, regulations, order notifications, orders, directives, and procedures.
- (b) The Ministry and relevant ministries may issue:
  - (1) Rules and regulations with the approval of the Union Government.
  - (2) Order notifications, orders, directives, and procedures.
- (c) The Agency and Department may issue order notifications, orders, directives and procedures with the approval of the Ministry.

I hereby set my signature under the Constitution of the Republic of the Union of Myanmar.

(Signed) Win Myint

President

Republic of the Union of Myanmar