

Understanding Patent Eligibility and Ineligibility in Myanmar: What Inventions Qualify for Protection?

1. Eligibility for Patent Protection in Myanmar

Patent Definition:

- ✓ Protection for inventions related to solving technical problems.
- ✓ Includes minor inventions (new product forms, structures, or parts).

Three Essential Requirements:

(i) Novelty:

- ✓ Invention must not exist before application date.
- ✓ Not previously known or publicly disclosed worldwide.

(ii) Inventive Step:

Invention must not be obvious to experts in the field.

(iii) Industrial Applicability:

Invention must be producible or usable in an industrial enterprise.

Ineligibility for Patent Protection in Myanmar

Eight Subject Matters Not Eligible:

- (i) Discoveries, Scientific Theories, Mathematical Calculations.
- (ii) Systems, Rules, Methods for Business, Psychology, Games.
- (iii) Pure Computer Programs without Technical Application.
- (iv) Biological Production Processes for Plants/Animals.
- (v) Plants, Organisms, DNA from Nature (except man-made).
- (vi) Surgical, Treatment Methods for Humans/Animals.
- (vii) Inventions Related to Known Objects, Chemical Products.
- (viii) Inventions Detrimental to Morale, Health, Environment.

Timeline for Special Inventions:

- ✓ Pharmaceutical products/processes ineligible until 01 Jan 2033.
- ✓ According to WTO TRIPS Council policy.

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