

Patent Ownership Rights in Employee Inventions under Myanmar Patent Law

1. Default Ownership under Employment Contract (Section 17(a))

- Inventions created by an employee under the employment contract.
- Default ownership and patent application rights usually belong to the employer if:
 - ✓ Invention falls within employee's work duties.
 - ✓ Invention was created using employer's resources or facilities.

2. Exceptions to Default Ownership:

If employment contract contains clauses stating otherwise:

- ✓ Employee retains right to apply for patent.
- ✓ Especially for inventions outside regular duties or using personal resources.

3. Employee's Right to Apply for Patent if Employer Fails to Act (Section 17(b))

- Employee informs employer in writing upon completion of the invention.
- Employer has 6 months to apply for patent.
- If employer doesn't apply within 6 months, employee gains right to apply for patent.

4. Inventions Made After Employment Contract Expiration (Section 17(c))

- Invention within 1 year after contract expiration in the same field.
- Initially, patent rights belong to the employer as if under the contract.
- Employee eligible if:
 - ✓ Agreement in contract granting right to apply.
 - ✓ Employer doesn't apply for patent.
 - ✓ Employer's failure to apply within specified time.

5. Employee's Right to Patent Unassigned Inventions (Section 17(d))

- Invention related to employer's work but not explicitly assigned.
- Using employer's equipment, data, or technology.
- Employee eligible to apply for patent by default.
- Employment contract clauses may alter ownership (employer's right to apply).

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