

Guide to Obtaining Protection for Minor Inventions in Myanmar

In the vibrant landscape of innovation, Myanmar has taken strides to safeguard and stimulate the growth of minor inventions through a comprehensive framework of patent protection. As a country that values creativity and technical advancement, Myanmar offers a distinct avenue for inventors to secure their minor innovations and reap the rewards of their ingenuity.

This guide sheds light on conditions, exclusions, and processes that define the realm of minor invention patents within Myanmar's legal framework. Whether you're an inventor aiming to fortify your intellectual property or a curious mind delving into the intricacies of innovation protection, this guide offers critical insights to help you navigate the path ahead.

1. Requirements for Minor Invention Protection:

To seek protection for a minor invention through patent registration in Myanmar, the following two conditions must be met:

- (i) The minor invention presented in the patent application must exhibit novelty.
- (ii) The minor invention should demonstrate potential utilization within industrial enterprises.

2. Exclusions from Minor Invention Protection:

Certain categories of minor inventions are not eligible for protection under this provision:

- (a) Phases of operational processes.
- (b) Chemical, pharmaceutical, biological, mineral substances, compounds, or similar entities.
- (c) Subjects prohibited from patent protection under the prevailing laws.
- (d) Sculptures, architectural designs, or natural embellishments.

3. Description Requirement for Minor Inventions:

The description of the minor invention must be comprehensive and lucid, enabling a person with ordinary expertise in the relevant technical domain to replicate the invention. The description should particularly elucidate how the minor invention enhances the functionality and performance of an object. Notwithstanding other provisions within this chapter, the principles governing patent rights and patent applications may be applied mutatis mutandis when granting patents for minor inventions.

4. Duration of Minor Invention Protection:

The period of protection for a minor invention patent is ten years from the date of application submission.

5. Examination of Minor Invention by Examiner:

Regarding applications for minor invention patents, the Examiner is responsible for the following:

- (i) Reviewing applications for conformity to stipulated guidelines and submitting them to the Registrar with accompanying remarks. This involves assessing compliance with the definition stated in subsection (l) of section 2, along with conducting examinations in accordance with the provisions of sections 19, 20, and subsection (b) of section 80.
- (ii) Notifying applicants, with Registrar's approval, to make necessary amendments if the application does not meet stipulated criteria. Failure to comply within 30 days of receiving the notice results in forfeiture and revocation, subject to Registrar notification.
- (iii) Forwarding the application, along with amendments made within the prescribed period as mentioned in subsection (b), to the Registrar with accompanying remarks.

6. Registrar's Assessment and Public Announcement:

The Registrar reviews the Examiner's remarks under section 82 and publicly announces applications conforming to stipulated requirements. This announcement serves to notify the public and provides an opportunity for opposition, if any.

7. Opposition to Minor Invention Protection Applications:

Timing: Any individual seeking to oppose a minor invention patent may submit an opposition form, along with substantial evidence, to the Registrar within 60 days of the announcement date, upon payment of the designated fees.

Notice: Upon receiving the objection form, the Registrar notifies the applicant to allow for a defense within the specified timeframe.

Review: The Examiner evaluates both the opposition and the applicant's defense, presenting findings and remarks to the Registrar.

8. Registrar's Decisions:

In relation to a minor invention patent application, the Registrar:

- (i) Grants the minor invention patent if no opposition form is submitted within 60 days of the public announcement.
- (b) May grant or refuse the application upon reviewing the opposition, along with the Examiner's findings and remarks.
- (ii) Records the grant or refusal of registration, notifying the applicant. Such decisions are publicly announced as per prescribed methods.
- (iii) Issues the certificate of minor invention patent to the granted applicant.

9. Revocation of Minor Invention Patents:

Upon application by a relevant individual or legally established organization, the Registrar can revoke a minor invention patent under the following circumstances:

- (a) Non-compliance with stipulations outlined in subsections (a) and (b) of section 80.
- (b) Presentation of adequate evidence indicating the patentee's disqualification from obtaining the patent for the minor invention.

10. Amendments to Application Type:

(a) Prior to patent granting or refusal, an applicant can pay the prescribed fees and change a patent application into a minor invention patent application, while retaining the original application date.

(b) Before patent granting or refusal for a minor invention patent, an applicant can pay the designated fees and modify the minor invention patent application to a regular patent application, maintaining the original application date.

(c) The application under subsection (a) may only be changed once.

11. Concurrent Submissions for Identical Inventions:

An applicant is prohibited from submitting both a minor invention patent application and a regular patent application simultaneously or consecutively for the same invention.

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