

Patent Surrender and Revocation in Myanmar

The realm of intellectual property is a crucial aspect of modern economies, providing inventors and creators with protection and incentives to continue their innovative endeavors. Patents, in particular, grant inventors exclusive rights to their creations for a specified period, enabling them to control and profit from their innovations. However, there are instances when patentees may choose to surrender their patents voluntarily, or when circumstances arise that necessitate the revocation of a patent. In Myanmar, the legal framework governing the surrender and revocation of patents is outlined in a series of provisions.

Surrender of Patents

Under Myanmar's patent laws, patentees have the option to voluntarily surrender their patents to the Registrar. This provision, encapsulated in section 77, empowers patentees to relinquish their patent rights of their own free will. This can be a strategic decision taken by patentees for various reasons, such as a change in business strategy, the invention becoming obsolete, or other commercial considerations.

Example: Company X, a pioneer in renewable energy technology, holds a patent for a groundbreaking solar panel design. However, due to advancements in the field and changing market dynamics, the technology becomes less competitive. Recognizing this shift, Company X decides to voluntarily surrender the patent to the Registrar, freeing up resources for new research and development endeavors.

Joint Patent Ownership Surrender

In cases where a patent is jointly owned by multiple individuals or entities, a specific provision addresses the surrender process. If the joint patentees are unable to reach an agreement through other means, they can surrender the patent jointly back to the Registrar, provided all joint patentees agree to the surrender.

Example: Research institutions A and B collaborate on a cutting-edge medical device patent. Over time, the research priorities of the institutions change, leading to disagreements on the commercialization strategy. In order to resolve the impasse and enable each institution to pursue its individual research goals, both A and B jointly decide to surrender the patent to the Registrar.

Revocation of Patents

The provisions on the revocation of patents provide a mechanism for addressing situations where a patentee's rights are challenged based on specific grounds. These grounds include instances where the patentee does not meet the patent eligibility requirements, obtained the patent through fraudulent means, or failed to provide accurate information to the Registrar.

Example: Individual Y obtains a patent for a novel software application that claims to have unique features not found in any existing software. However, upon closer examination, it is revealed that the claimed features are common in other applications available prior to the priority date. An organization with expertise in software development files an application with the Registrar, presenting compelling evidence that the patent is invalid due to a lack of novelty. Upon review, the Registrar revokes the patent.

Revocation Due to Violation of Obligations

Patentees are obligated to fulfill certain requirements and adhere to specified rules. Failure to meet these obligations can lead to the revocation of a patent. Such obligations include maintaining the confidentiality of the invention during the application process and paying the required annual fees.

Example: Company Z applies for a patent on a groundbreaking agricultural technology. However, during the application process, Company Z shares detailed information about the technology with a competitor without implementing proper confidentiality measures. The competitor subsequently develops a similar technology and applies for a patent in another country before Company Z. Upon discovering this violation, the Registrar cancels Company Z's patent due to a breach of confidentiality obligations.

A bottom line

Myanmar's provisions on the surrender and revocation of patents form a critical part of its intellectual property framework. These provisions empower patentees to make informed decisions about their intellectual property rights and ensure that the patent system maintains its integrity. By allowing for voluntary surrender and providing mechanisms for revocation under specific circumstances, Myanmar's patent laws strike a balance between encouraging innovation and safeguarding against abuse. As the realm of technology and innovation continues to evolve, the careful implementation of these provisions will play a pivotal role in shaping the country's intellectual property landscape.

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