

Legal Study of the Patent System in Myanmar

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Abstract

A patent is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem. Patented invention have, in fact, pervaded every aspect of human life, from electric lighting, telephone, computer, ballpoints pens and etc. Patent protection is granted for an invention, a product or a process, which brings a new technical solution. The invention, which is to be protected by a patent, must be new, useful, functional and innovative, i.e, solution, for which the patent protection is sought, should not be an obvious one. Patent is recognition for an invention, which satisfies the criteria of global novelty, non-obviousness, and industrial application. Myanmar, the other countries, Patent Law was promulgated in 2019. At present, patent infringement cases within Myanmar aren't occurred. But patent infringements can occur within the market of Myanmar in the future. Many disputes relating to infringing patent can appear among the patentee (patent holder) and patent infringer. In Myanmar, patent holders give the right to stop others from using, making, distributing, importing or exporting their creation for a specified time period. The effective implementation of Patent Law and protection of patent holders can effect as the reduction and disappearance of the patent infringer, to improve the creative innovation, to develop the socio-economy and the living standard within the nation, to stand up as the innovation country at the International Level and to increase the revenue of the State.

Key words: patent, minor invention, patentability, exclusive right, infringement, enforcement

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