

The Science, Technology and Innovation Law

(The Pyidaungsu Hluttaw Law No. 22, 2018)

The 13th Waxing of Waso, 1380 M.E.

(25 June, 2018)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definitions

1. This Law shall be called **the Science, Technology and Innovation Law**.
2. The expressions contained in this Law shall have the meanings given below:
 - (a) **Science** means the systematic study of the natural world, and causes and effects of its change;
 - (b) **Technology** means process competency which is beneficial to production, and a combination of process, skill and know-how;
 - (c) **Innovation** means exploration or application of better, different and valuable ideas, products and technologies with unique creation based on any original idea, product and technology;
 - (d) **Innovator** means a creator of any innovation;
 - (e) **Science, technology and innovation** means research and development, science, technology and innovation training, services or production conducted for sustainable development of know-how and skill which are practiced in the field of science;
 - (f) **Training** means know-how training conducted by organizations, businesses, departments, universities, degree colleges, colleges and institutes which are based on science, technology and innovation;
 - (g) **Services** means application, protection and consultation, by any means, of ownership of intellectual property which includes know-how based on science, technology and innovation;
 - (h) **Production** means a process which converts any raw or original material to any other new product by a production technology based on science, technology and innovation;
 - (i) **Research and development** means the work which brings out development of technology which can implement the results of scientific experiments;

- (j) **National research** means researches assigned by the Union Government under the requirement of the Union;
- (k) **Technology transfer** means the transfer of the part or whole of technology to possess and apply from a person or an organization in accordance with this Law;
- (l) **Council** means the National Science, Technology and Innovation Council formed under this Law;
- (m) **Committees** means the respective expert groups formed under the Council in each field of science, technology and innovation;
- (n) **Ministry** means the Ministry of Education of the Union Government;
- (o) **Department** means the Department of Research and Innovation;
- (p) **Registrar** means the Director General of the Department who scrutinizes and registers bilateral contracts of technology transfer applied under this Law.

Chapter II

Objectives

3. The objectives of this Law are as follows:

- (a) to develop science, technology and innovation for promotion of production and services which can contribute national socioeconomic development;
- (b) to promote research and development based on modern science and technology for systematic extraction and utilization of energy, minerals and other resources, carrying out effectively environmental conservation and management, occupational safety and health;
- (c) to share and transfer technology through results of research for enhancement of domestic production and competition in global market;
- (d) to provide training for nurturing experts continuously in science, technology and innovation;
- (e) to cooperate and communicate with domestic and foreign research departments, universities, degree colleges, colleges, institutes, industries and other organizations for development of science, technology and innovation and for development of human resources in these fields;
- (f) to honour and grant appropriate benefits to intellectuals and innovators in the field of science, technology and innovation, and protect their innovation;

- (g) to carry out human resource development in the field of science, technology and innovation, and research development promoting innovation and market economy with the fund for science, technology and innovation;
- (h) to organize science, technology and innovative exhibitions, competitions and talks in organizations, businesses, departments, universities, degree colleges, colleges, institutes, vocational training schools which are based on science, technology and innovation, and high schools.

Chapter III

Formation of the National Council for Science, Technology and Innovation

4. The Union Government:

- (a) shall form the National Council for Science, Technology and Innovation, comprising no more than 30 members, with the following persons:

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| (i) A Union level person assigned by the Union Government | Chairperson |
| (ii) Union Minister of the Ministry of Education | Vice-chairperson |
| (iii) Union Ministers or Deputy Ministers from the Ministries conducting science, technology and innovation | Members |
| (iv) Heads of governmental and non-governmental organizations conducting science, technology and innovation | Members |
| (v) Eminent experts in each field of science, technology and innovation | Members |
| (vi) Deputy Minister or Permanent Secretary of the Ministry of Education | Secretary |
| (vii) Director General of the Department | Joint-secretary |

- (b) may re-form the Council formed under sub-section (a), if necessary.

5. The term of the Council is the same that of the Union Government.

6. Members of the Council who are not civil service personnel are entitled to enjoy honorarium and allowance stipulated by the Union Government.

Chapter IV

Duties and Powers of the Council

7. The functions and powers of the Council are as follows:

- (a) laying down policies for successful implementation of the objectives of this Law;
- (b) guiding, encouraging, supporting and coordinating research and development of science, technology and innovation conducted by government departments and organizations, non-governmental organizations, universities, degree colleges, colleges, institutes and industries;
- (c) nurturing intellectuals required for successful implementation of science, technology and innovation and managing for improvement of their qualifications;
- (d) remedying the causes of poor qualification and nurturing outstanding students and staff from universities, degree colleges, colleges, institutes and different societies to be researchers and intellectuals in their respective fields;
- (e) taking measures to communicate and cooperate with domestic and foreign research departments, universities and other organizations relevant to science, technology and innovation;
- (f) advising to and cooperating in compiling necessary standards and technological code for the improvement of quality and status of science, technology and innovation;
- (g) leading to form associations on science, technology and innovation and Region, State and Union Territory level working committees, forming them and specifying their functions;
- (h) encouraging for convening of and participating in domestic and foreign seminars, meetings, training, symposia, conferences on science, technology and innovation;
- (i) managing to establish national science, technology and innovation park, museum and library, and collecting and distributing science and technological information;
- (j) giving advice on domestic and foreign technology transfer to the Union Government from time to time;
- (k) giving monetary rewards and recommending the presentation of honorary titles and awards by the State to outstanding intellectuals and innovators in the field of science, technology and innovation, in accordance with the stipulations;

- (l) forming science, technology and innovation committees in each field under the Council with suitable intellectuals headed by any experienced intellectual in the respective field and implementing their functions with them;
- (m) taking necessary measures and organizing Myanmar citizens scientists living abroad and international scientists to join in Myanmar science, technology and innovative activities;
- (n) informing the Ministry to provide necessary expenditure from the Union fund annually for research and development of science, technology and innovation;
- (o) establishing the science, technology and innovation fund, and forming the fund management body to undertake receiving, maintaining, spending and declaring balance sheet;
- (p) submitting the work performance report of the Council to the Union Government annually.

Chapter V

Formation of Science, Technology and Innovation Committees and their Functions and Powers

8. The Council shall form science, technology and innovation committees in each respective field with experts from research departments, universities, manufacturing industries and other organizations.
9. The functions and powers of the committees are as follows:
 - (a) examining the application of modern science and technology, difficulties, weaknesses and development of each committee, compiling records and submitting annual report to the Council;
 - (b) cooperating in conducting research required for private industries, resolving technological difficulties and giving technological assistance;
 - (c) laying down necessary measures and plans for implementation of technological development to participate in international technological development and submitting these measures and plans to the Council;
 - (d) participating in activities for technological development, for communication in research and development and for human resource development assigned by the Council;

- (e) selecting the funding for research and development of science, technology and innovation and development of human resources and invention, inspecting whether research projects are affective, supervising and encouraging them;
- (f) assisting the Council in the selection of outstanding intellectuals and inventors in each field of science, technology and innovation.

Chapter VI

Formation of the Department of Research and Innovation

- 10. The Myanmar Scientific and Technological Research Department formed under the Science and Technology Development Law (the State Law and Order Restoration Council Law No. 5/ 94) shall be re-formed as the Department of Research and Innovation.
- 11. The Department shall succeed movable and immovable properties, rights and liabilities of the Myanmar Scientific and Technological Research Department.

Chapter VII

Functions of the Department of Research and Innovation

- 12. The functions of the Department are as follows:
 - (a) strengthening national quality in infrastructure for development of economy and trade;
 - (b) conducting standardized laboratory tests in international accredited laboratories;
 - (c) conducting research on sustainable development of renewable energy and electronics;
 - (d) conducting research for production of value-added products by applying chemical-technology, nanotechnology and other technologies;
 - (e) conducting research for sharing of information and idea which support social and economic development;
 - (f) conducting basic research and applied research on science, technology and innovation;
 - (g) conducting innovation research to solve technological difficulties and problems faced in domestic industries;
 - (h) conducting necessary developmental research for extension of successful laboratory scale processes to production scale;
 - (i) exploring application of potential natural resources for commercialization;
 - (j) convening annually and participating in domestic and foreign conferences and seminars on science, technology and innovation, exchange of intellectuals and cooperation;
 - (k) transferring technology in accordance with the policy adopted by the Council;

- (l) carrying out green technology development which cannot affect environment and human;
- (m) conducting research and development on occupational safety and health, food and drugs;
- (n) establishing science, technology and innovation park and museum;
- (o) providing advice on and service of science, technology and innovation, retaining and disseminating information;
- (p) conducting research and development on science, technology and innovation assigned by the Council or the Ministry;
- (q) undertaking office work of the Council;
- (r) incurring office expenses of the Council and committee, honorarium and allowance of the members of the Council who are not civil service personnel by the Department;
- (s) carrying out general administration of the Department.

Chapter VIII

Expending Budget, Establishing and Administering Fund

13. The Council shall obtain the expenditure for research allotted under the Union fund through the Ministry.
14. The Council shall:
 - (a) establish a development fund for science, technology and innovation with the following receipt for development of human resources in science and technology, development of innovation, and development of research which support market economy in implementing the provisions of this Law effectively:
 - (i) cash donated from domestic and foreign organizations and well-wishers;
 - (ii) cash obtained from science, technology and innovation development activities;
 - (iii) official accrual from the fund;
 - (b) draw up financial regulations required for maintaining, expending and administering the fund, accounting and auditing in coordination with the Office of the Auditor General of the Union and comply with these regulations;
 - (c) accept the audit of the Office of the Auditor General of the Union;
 - (d) ensure the transparency of receiving, expending and administering the fund donated by domestic and foreign organizations, well-wishers and the public.

15. The Council may appropriately provide funding from the fund for science, technology and innovation for the following matters of departments of the Ministries, universities, degree colleges, colleges, institutes, private manufacturing industries and other research organizations conducting development of science, technology and innovation for social and economic development of the Union:
- (a) national level research;
 - (b) research and development for innovation;
 - (c) research conducted by new generation;
 - (d) research based on competition;
 - (e) awarding domestic and foreign research scholarship;
 - (f) participation in and convening of international and national level meetings, workshops, conferences and training on science, technology and innovation.
16. The Council may determine and give monetary rewards to outstanding intellectuals, students and innovators in the field of science and technology.

Chapter IX

Technology Transfer

17. Results from research, knowledge and innovation technology achieved by research and development departments, manufacturing industries, domestic and foreign investment businesses, universities, degree colleges, colleges and institutes may be transferred.
18. Contracts shall be concluded for technology transfer from a person or an organization to other person or organization under section 17.
19. In concluding contracts of technology transfer, the existing law and the conditions specified by the Council shall be complied with.
20. Technology transfer under section 18 may be undertaken in accordance with any one of the following manners:
- (a) allowing the right to use the technology to any person free of charge;
 - (b) allowing the right to use the technology upon payment of a fee for a specified period;
 - (c) selling within Myanmar or to a foreign country;
 - (d) transferring technology from Myanmar to a foreign country or vice-versa by any other way;
 - (e) allowing the right to use the technology by percentage upon the profit gained from utilization.

21. Conditions for technology transfer within Myanmar or to and from a foreign country shall be in accordance with the existing law and the conditions specified by the Council.
22. The permission from the relevant innovators or persons who are mainly involved in innovation of the transferred technology shall be obtained in the technology transfer made by a person or an organization.
23. A person or an organization transferring the technology shall apply to register the contract of technology transfer to the registrar in accordance with the stipulations.
24. The registrar:
- (a) may approve or reject the application for registration under section 23 after scrutinizing it;
 - (b) shall register the contract for technology transfer and direct the applicant to pay specified registration fee if the registration is approved under sub-section (a);
 - (c) shall issue a registration certificate to the applicant by prescribing terms and conditions after registering under sub-section (b).
25. The person or organization dissatisfied with the decision of the registrar rejecting the application for registration under sub-section (a) of section 24 may appeal to the Ministry within 60 days from the date of decision.
26. The Ministry may approve, revise or cancel the decision of the registrar after examining the appeal under section 25. The decision of the Ministry shall be final and conclusive.
27. The person or organization who has registered the contract for technology transfer has the right to cooperate with and obtain assistance of the Council, the Ministry and the Department under this Law.
28. The contract for technology transfer registered legally in accordance with the Law is official.

Chapter X

Miscellaneous

29. The notifications, orders and directives issued under the Science and Technology Development Law (the State Law and Order Restoration Council Law No. 5/ 94) may continue to be applicable as long as they are not contrary to with this Law.
30. In implementing the provisions of this Law:
- (a) the Ministry may issue rules, regulations and by-laws with the approval of the Union Government;

(b) the Council, the Ministry and the Department may issue notifications, orders, directives and procedures.

31. The Science and Technology Development Law (the State Law and Order Restoration Council Law No. 5/ 94) is hereby repealed.

I hereby sign in accordance with the Constitution of the Republic of the Union of Myanmar.

Sd/ Win Myint

President

Republic of the Union of Myanmar