

How to amend patent applications in Myanmar

Patent applications are crucial steps in protecting innovative inventions, but they are not always flawless. Mistakes and oversights can occur during the application process, necessitating provisions for amendments and corrections. Section 28 of the Myanmar Patent Law addresses these concerns, empowering patent applicants with the opportunity to refine and perfect their applications before the grant of a patent. This article explores the key provisions outlined in Section 28 and provides illustrative examples to better understand their practical applications.

Amending patent applications: Correcting errors and oversights

Section 28(a) grants patent applicants the right to request amendments to their patent applications to rectify text errors or other mistakes. This provision allows applicants to improve the accuracy and clarity of their submissions, ensuring that the application reflects the invention accurately. However, it is essential to make these amendments before the Registrar decides on granting or refusing the patent or before the Agency rules on an appeal against the Registrar's decision. A prescribed fee is required for such amendments.

Example: Consider an inventor who filed a patent application for a groundbreaking electronic device. After submission, the inventor discovers some typographical errors and minor inaccuracies in the description and claims. To address these issues, the inventor promptly submits a request to the Registrar, seeking to amend the application by correcting these textual errors before the final decision is made.

Within the scope: Making amendments before granting

Section 28(b) allows patent applicants to amend their applications before the patent is granted, as long as the proposed changes fall within the scope of the original application's descriptions. This provision ensures that applicants can fine-tune and expand upon their inventions without introducing entirely new concepts that were not part of the initial submission.

Example: Continuing from the previous example, the inventor realizes that some additional technical details were inadvertently omitted from the original application. To enhance the application's comprehensive nature, the inventor amends it by including these additional technical details within the boundaries of the previously described invention.

Separating patent applications: Complying with Section 27 (Requirement of unity of invention)

Section 28(c)(1) provides a unique option for applicants whose inventions encompass multiple distinct inventive concepts that do not conform to the single invention or general inventive concept requirement of Section 27. Applicants can request the Registrar to separate the application into more than one distinct application without adding new descriptions beyond those already in the original application.

Example: An inventor submitted a patent application for a versatile multifunctional tool that combined various tools into one device. However, upon closer examination, the inventor realizes that the invention consists of two separate and distinct inventive concepts. To align with the requirements of Section 27, the inventor requests the Registrar to separate the original application into two distinct applications, each focusing on one of the separate inventive concepts. These separated applications retain the original submission date, ensuring priority is maintained.

Withdrawal of patent applications: A right to rethink

Section 28(d) grants applicants the option to request the Registrar for the withdrawal of their patent applications. This provision acknowledges that circumstances may change, and applicants may decide not to pursue patent protection for their inventions.

Example: An inventor who filed a patent application later decides to abandon the project and no longer seeks patent protection for the invention. In this scenario, the inventor can officially request the Registrar to withdraw the patent application.

A bottom line

Section 28 of the Myanmar Patent Law provides patent applicants with valuable opportunities to correct errors, refine applications, and make necessary amendments before the patent is granted. These provisions contribute to a more flexible and robust patent application process, ultimately fostering a fair and efficient

system that protects innovative creations while allowing inventors the flexibility to adapt to changing circumstances. Patent applicants should be aware of these provisions and use them judiciously to enhance the strength of their applications and safeguard their inventive creations.

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