

## Patent Process in Myanmar: Examination, Opposition, and Registration

*The patent process is a crucial aspect of intellectual property protection, granting inventors exclusive rights to their creations. In Myanmar, the patent process involves several stages, including examination, opposition, and registration. These stages play a pivotal role in determining the fate of a patent application and ensuring that the granted patents adhere to legal and regulatory standards. This article will delve into the intricacies of each stage and shed light on the key aspects of the patent process in Myanmar.*

### 1. Examination stage

The examination stage is a pivotal step in the patent process, where a patent examiner assesses the patent application's compliance with stipulations and provisions. Here's a breakdown of the process:

**a. Categorization and examination:** The patent examiner categorizes the invention according to international classifications and examines its conformity with the provisions outlined in sections 19 and 20. If the application meets stipulations, it proceeds to the next step.

**b. Notification and amendment:** If an application does not meet the stipulations, the applicant is notified and given an opportunity to amend the application within 60 days. Failure to amend within the stipulated period leads to withdrawal of the application.

**c. Reexamination:** Once the amendments are made, the examiner reexamines the application and submits it, along with remarks, to the Registrar.

### 2. Rights restoration and suspension

Under certain conditions, an applicant or patent owner can reapply for patent rights after losing them due to failure to comply within the stipulated period. Conditions for restoration include submitting a request within 60 days, providing explanations for non-compliance, stating reasons, and paying the prescribed fee. However, regranting rights can be suspended if an appeal or lawsuit is filed between parties.

### 3. Public announcement and opposition

After 18 months from the application date, the Registrar examines the examiner's remarks and makes a public announcement. This announcement invites objections from the public, allowing them to raise concerns or opposition to the patent application. Individuals can submit objection forms within 90 days from the announcement if they have reasons based on sections 13 and 14 of Myanmar Patent Law.

### 4. Opposition resolution

Upon receiving an objection, the Registrar notifies the applicant to defend against the opposition. The Registrar reviews the opposition, along with the examiner's findings, and can instruct to proceed with the application, amend it, or revoke it. The decision is communicated to both the opposition submitter and the applicant, and an announcement is made to inform the public.

### 5. Detailed examination and granting

For a detailed examination of a patent, the examiner assesses compliance with multiple sections and submits the findings to the Registrar. The Registrar reviews the examiner's remarks and can grant or refuse the patent based on the assessment. The grant or refusal is recorded in the registration records, and the applicant is notified. A public announcement is also made to inform the public of the decision.

### 6. Foreign application consideration

The Registrar may request documents related to foreign patent applications, such as examination reports and decisions from foreign intellectual property offices, in order to examine a patent application submitted in Myanmar and abroad.

### 7. Confidentiality for national security

In cases where patent application matters are deemed harmful to national security or public safety, the Registrar can keep the application confidential, subject to agency approval. The relevant ministry may further

examine or keep information confidential, and the patent applicant's rights can be impacted based on the ministry's decision.

### **A bottom line**

The patent process in Myanmar is a comprehensive journey involving careful examination, opportunities for opposition, and ultimate registration. Each stage is designed to ensure that granted patents adhere to legal standards and contribute positively to the country's innovation landscape. Navigating these stages requires a deep understanding of the legal framework and procedures, making it crucial for inventors and applicants to engage with experienced legal professionals to secure their intellectual property rights effectively.

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