

## Understanding Priority Rights and Timelines in Myanmar's Patent Process

*In the dynamic world of intellectual property, securing patent rights and safeguarding inventions often requires an intricate understanding of timelines and priority rights. Myanmar's patent system, aligned with international agreements, offers crucial provisions for applicants seeking to establish their patent applications within specific timeframes. This article delves into the significance of priority rights in Myanmar's patent process and illustrates these concepts with relevant examples.*

### Priority Rights: A Primer

Priority rights form the backbone of patent protection, allowing inventors to establish their patent applications based on an earlier filing in another country. Myanmar's patent system recognizes priority rights in two distinct scenarios: within one year of an initial application made in a Member State of the Paris Convention or a Member State of the World Trade Organization, and within one year of displaying the invention at an authorized or recognized international trade exhibition. Let's explore each of these scenarios and their corresponding timelines in detail.

### Scenario 1: Priority from Initial Application

Suppose an inventor files a patent application for a groundbreaking invention in a Member State of the Paris Convention. Recognizing the global nature of innovation, Myanmar's patent system offers the applicant the opportunity to extend this priority to their patent application within Myanmar. If the inventor or a transferee applies for registration of the same invention in Myanmar within one year from the date of the initial application, the original application's date becomes the application date in Myanmar. This crucially grants the applicant the right of priority from the date of the initial application.

Example: John, an inventor from France, files a patent application for a novel solar energy technology in France on January 1, 2023. If he applies for the same patent in Myanmar by December 31, 2023, his application in Myanmar will be treated as if it were filed on January 1, 2023, and he can enjoy the right of priority from that date.

### Scenario 2: Priority from Trade Exhibitions

In the realm of international trade exhibitions, innovative inventions often take center stage. Myanmar's patent system acknowledges this by allowing applicants to claim priority from the date of initial display at an authorized or recognized international trade exhibition. If an inventor requests a patent grant for an invention displayed at such an exhibition and submits the application to the Department within one year of the initial display, the date of initial display becomes the application date in Myanmar, entitling the inventor to the right of priority for trade exhibitions.

Example: Anna showcases her revolutionary medical device at an internationally recognized trade exhibition in Japan on June 1, 2023. If she submits a patent application for the same device in Myanmar by May 31, 2024, her application in Myanmar will be considered as if it were filed on June 1, 2023, and she can assert the right of priority for trade exhibitions.

### Duration of Priority Rights

It's essential to note that the right of priority for trade exhibitions cannot surpass the term of priority rights originating from an application filed under section 43. This underscores the structured framework within which priority rights operate in Myanmar's patent system, maintaining a balance between innovation and protection.

### Reclaiming Priority Rights

In scenarios where an applicant has failed to submit necessary documents within the prescribed period, Myanmar's patent system offers a path to reclaim priority rights. By submitting a request to the Registrar in line with subsection (a) of section 31, applicants can seek to obtain the right of priority once again, ensuring that valuable inventions remain protected within the established timelines.

**By Nguyen Vu QUAN  
Partner & IP Attorney**

#### Contact

##### **KENFOX IP & Law Office**

Building No. 6, Lane 12/93, Chinh Kinh Street, Nhan Chinh Ward, Thanh Xuan District, Hanoi, Vietnam

Tel: +84 24 3724 5656

Email: [info@kenfoxlaw.com](mailto:info@kenfoxlaw.com) / [kenfox@kenfoxlaw.com](mailto:kenfox@kenfoxlaw.com)