

Patent Cooperation Treaty (PCT) Working Group

**Twelfth Session
Geneva, June 11 to 14, 2019**

COORDINATION OF PATENT EXAMINER TRAINING

Document prepared by the International Bureau

SUMMARY

1. This document presents a progress report regarding the development of a framework of technical competencies for substantive patent examiners and a learning management system, based on a proposal for improving the coordination, between beneficiary and donor Offices, of training of substantive patent examiners that was presented at the tenth session of the Working Group.

INTRODUCTION

2. The PCT Working Group, at its tenth session, held in Geneva from May 8 to 12, 2017, discussed a proposal for improved coordination of patent examiner training (see document PCT/WG/10/9). Paragraph 10 of the document summarized deficiencies in the current support provided by donor Offices to the training of patent examiners in developing countries. These deficiencies highlighted the need for improved coordination, which would aim to assure that individual patent examiners acquired competences according to their job descriptions, supply from donor Offices was matched by individual or institutional demand, participation in training activities and assessment of learning was tracked, training opportunities were used efficiently, and training collaborations between beneficiaries and donor were monitored and evaluated. To achieve these objectives, paragraph 12 of the document proposed the use of competency frameworks, which would be sufficiently comprehensive and detailed to enable:

- Offices to define individual competency models adapted to an individual examiner's job description and the Office's examination policy by selecting appropriate competencies from the generic framework;

- Offices to communicate (individual or institutional) training needs to donors in terms of specified competencies in order to enable donors to respond to training needs more specifically;
 - donors to describe content of training activities and define prerequisites for participation in terms of competencies;
 - training administrators or managers to assess and record individual prior learning of trainees and identify training gaps;
 - training administrators or managers to track and assess the competencies attained by individual examiners through their participation in training activities;
 - training organizers or managers to assign training opportunities more effectively by taking into account prior learning and individual training gaps of candidates on the one hand, and content of training activities and prerequisites for participation on the other;
 - catering both to Offices conducting regular stand-alone substantive examination and to Offices with limited examination capacities.
3. In order to facilitate the coordination of the training of patent examiners, document PCT/WG/10/9 further proposed to develop a learning management system that supports the managing, tracking and reporting of the training of individual patent examiners or cohorts of examiners, as described in paragraphs 15 and 16 of the document.
4. At the eleventh session of the PCT Working Group, held in Geneva from June 18 to 22, 2018, the International Bureau presented a progress report on the development of a competency framework and a learning management system (document PCT/WG/11/17).
5. Paragraphs 216 to 220 of the Report of the eleventh session of the PCT Working Group (document PCT/WG/11/25) provide details of the discussions of document PCT/WG/11/17. The International Bureau indicated that it would report on progress of the development of a competency framework and a learning management system to the Working Group at its session in 2019.

PROGRESS REPORT

6. The development of a generic framework of technical competencies (CF) for patent examiners is currently underway in the context of a project for improving the efficiency of donor sponsored examiner training, which is carried out by WIPO's Regional Bureau for Asia and the Pacific (ASPAC). The same project also explores the development and deployment of a learning management system (LMS). The International Bureau presented details of this project at a side event during the tenth session of the Working Group (see document PCT/WG/10/PRESENTATION/EXAMINER TRAINING) and at a side event during the eleventh session of the Working Group (see document PCT/WG/11/PRESENTATION/CBT_MANAGEMENT_TOOLS).
7. As part of the project, a web-based test site of a LMS was developed for demonstrating certain functionalities of a LMS, permitting in particular:
- viewing and editing competency frameworks;
 - recording users (with different roles, such as trainees/trainers/managers);

- creating learning plans for individual users in terms of competencies;
- describing learning activities in terms of competencies;
- tracking participation in learning activities;
- assessing success of learning in terms of competencies for individuals and cohorts;
- self-assessments prior/past learning activity; and
- reporting to managers.

8. The web-based site can be easily accessed by any interested Office (<https://icblm.moodlecloud.com>). Users may be assigned a variety of roles/permissions, which permit viewing of content and testing of functionalities depending on a user's role/permissions, such as the draft generic CF and the draft custom CF.

9. The International Bureau is also developing a local site, for use by the ASPAC-Bureau, with a larger range of functionalities/plugin-ins, which is not yet configured and operating as server and therefore not accessible for users through the internet. Both LMS sites are configurations of the open source Moodle LMS under the GNU General Public License¹.

10. The LMS is also used for developing and editing the framework of technical competencies for patent examiners, which currently comprises some 450 entries which are organized in a hierarchical manner in 13 different fields of learning (International Legal and Institutional Framework; National Legal and Institutional Framework; Patent Information; Patent Classification; Generic Substantive Examination; Technology Specific Substantive Examination; Generic Search Methodologies; Technology Specific Search Methodologies; Databases and Tools for Prior Art Search; Work-Sharing; Procedural Tasks of Patent Prosecution; Formality Examination; Miscellaneous). On the lowest hierarchical level, the CF includes specific skills and knowledge elements, which are defined to facilitate assessments of learning success after participation in a specific training activity, as well as overall proficiency of examiners regarding given competencies, irrespective of participation in a specific training activity.

11. The CF includes generic technical competencies which are applicable to patent examiners of any jurisdiction, as well as custom competencies which apply to a particular jurisdiction and depend on the national statutory framework (in the field "National Legal and Institutional Framework"). As far as possible, competencies have been linked to official guidelines, such as the Guide to the IPC or the PCT International Search and Preliminary Examination Guidelines. The development of the CF is, however, still under way, as it requires, in some fields, such as "Technology Specific Search Methodologies", input from technical experts. Furthermore, it is expected that the CF will have to be refined once it is applied for describing learning content in terms of competencies and is used for conducting assessments. The current status of the generic CF can be viewed at the said web-based test site (see paragraph 7 above; login credentials will be made available at the session of the Working Group).

12. As a further part of the project, the International Bureau has engaged in a cooperation with the Intellectual Property Office of the Philippines (IPOP HL) for developing a custom site of the LMS adapted to the organizational structure of IPOP HL and the training and assessment procedures of IPOP HL (<https://ipophl.moodlecloud.com>). The cooperation also aims at developing a subset of custom competencies catering to the statutory framework of the Philippines. In addition, and in contrast to the development of the generic LMS, the

¹ <https://docs.moodle.org/dev/License>

development of this custom site also explores the integration of existing e-learning content already used by IPOPHL for the training of patent examiners, and the further development of such e-learning content and respective assessment techniques for tracking and evaluating the success of learning in terms of competencies.

13. The previous development was supported by Individual Contractor Services provided by experienced patent examiners of the Intellectual Property Corporation of Malaysia (MyIPO) and IPOPHL. It is planned to contract a third such service form another interested Office in the Asia Pacific Region in order to develop the generic CF further and, in particular, test its application to describing learning content, for example of e-learning resources suitable for patent examiners (see also Document PCT/WG/12/6 for the Survey of Patent Examiner Training and document PCT/WG/11/PRESENTATION/E-LEARNING for a compilation of e-learning resources).

14. The International Bureau will provide an oral update on the development of a learning management system and a competency framework to the present session of the Working Group. The International Bureau will also present the progress made towards the development of these tools and the cooperation with IPOPHL for developing such tools customized to the needs of an IPO, in greater detail at a side event during the present session of the Working Group.

REPORTING ON DEVELOPMENTS

15. The International Bureau will report on the further progress of the development of the competency framework and the learning management system to the Working Group at its 2020 session.

16. The Working Group is invited to note the contents of the present document.

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