

Patent Cooperation Treaty (PCT) Working Group

Twelfth Session
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SURVEY ON PATENT EXAMINER TRAINING

Document prepared by the International Bureau

SUMMARY

1. This document presents the evaluation of a survey regarding the training of substantive patent examiners.

INTRODUCTION

2. The PCT Working Group, at its ninth session, held in Geneva from May 17 to 20, 2016, discussed the evaluation of a questionnaire addressed to both donor Offices (that is, Offices which provided training in substantive patent examination for examiners from other Offices or contributed to such training activities organized by another organization) and beneficiary Offices (Offices whose examiners have received training in substantive patent examination from other organizations), requesting information on all relevant training activities carried out in the period between 2013 and 2015, and information regarding the management and delivery of substantive examiner training within each Office, such as the use of competency models, learning management systems or assessment tools, or the availability of self-study training materials or other media (Circular C. PCT 1464; see document PCT/WG/9/18). The discussions by the Working Group are summarized in paragraphs 63 to 67 of document PCT/WG/9/27, with a full record of the discussions set out in paragraphs 155 to 169 of document PCT/WG/9/28.

3. Following its discussions, the Working Group agreed that the International Bureau should proceed with the suggestions set out in paragraphs 45, 47, 48 and 52 of document PCT/WG/9/18; in particular, the Working Group agreed that:

“45. ... the International Bureau should invite Offices, in particular donor Offices, to report annually to the International Bureau on any training activities carried out or received by an Office. The International Bureau would then make a compendium of such training activities available on its website.

“47. ... the International Bureau should invite Offices able to provide such training:

- (a) to provide on-the-job training opportunities for more examiners and of sufficient length;
- (b) to provide more advanced classroom-type training activities and to widen the range of subject matter taught; and
- (c) to provide more opportunities for examiners from other Offices to participate as guest trainees in events organized primarily for their own examiners.

“48. ... the International Bureau should invite Member States able to fund training activities to consider setting up Fund-in-Trust arrangements, or expanding existing Fund-in-Trust arrangements, with a view to making additional funds available for the provision of training of examiners from developing countries.

“52. ... the International Bureau should:

- (a) invite Offices that are offering self-study material and courses to inform the International Bureau of any such offers and contents;
- (b) prepare a compilation of self-study materials and courses that are relevant for the training of substantive examiners; and
- (c) explore the preparation of further self-study material and courses on topics of particular interest for substantive patent examiners.”

4. At its tenth and eleventh session, the PCT Working Group discussed documents PCT/WG/10/7 and PCT/WG/11/16, respectively, which presented the responses submitted by Offices in reply to Circulars that had been sent to Offices regarding training of substantive patent examiners carried out in 2016 and 2017, respectively. At its eleventh session, the Working Group agreed that a similar survey should be carried out covering training activities in 2018 and prospects for 2019. Paragraphs 128 to 140 of the Report of the session (document PCT/WG/11/27) provide details of this discussion.

5. The International Bureau therefore conducted another survey by issuing Circular C. PCT 1559, dated February 1, 2019, again addressed to both donor Offices and beneficiary Offices. A questionnaire annexed to the Circular requested information on all topics as specified in paragraph 3, above. A copy of the Circular (including the questionnaire) is available on the WIPO website at <http://www.wipo.int/pct/en/circulars/>.

6. As of April 26, 2019, the International Bureau has received 36 replies to the Questionnaire: 30 from beneficiary Offices (15 of which were also donor Offices), and three from Offices which had only acted as donor Offices. The replies are discussed in paragraphs 7 to 27, below.

TRAINING ACTIVITIES CARRIED OUT IN 2018

7. The Questionnaire distinguished between four different categories of training activities:

- medium to long-term comprehensive training programs;
- on-the-job training;
- classroom-type training events conducted face to face; and
- e-Learning, including online seminars and distance learning courses.

MEDIUM TO LONG-TERM COMPREHENSIVE TRAINING PROGRAMS

8. Medium to long-term comprehensive training programs consist of distinct training units intended to transfer knowledge and develop skills required for a patent examiner over an extended time period (from a few months up to two years or more).

9. According to the evaluation of activities recorded by Offices in the Questionnaire, three Offices provided this type of training in 2018: IP Australia (IPAU) organized a fourth and final intake of the Regional Patent Examiner Training (RPET) program for 15 examiners from five Offices in Asia, which ended in 2018. The European Patent Office (EPO) organized such training for examiners of some of its member States. Finally, the Japan Patent Office (JPO) organized one three-month program (OPET – Operational Patent Examiner Training) for 12 examiners from five different Offices in Africa, Asia and Latin America.

10. It was the same three Offices (IPAU, EPO and JPO) which had reported that they carried out such medium to long-term comprehensive training programs in response to the previous surveys (Circulars C. PCT 1464, 1497 and 1529), which had covered such training activities carried out during the period between 2013 and 2017.

ON THE JOB TRAINING

11. On-the-job training programs are characterized by examiners performing job-related tasks under the supervision of an experienced examiner (one-to-one mentoring).

12. In 2018, six donor Offices organized on-the-job training for several beneficiary Offices. Each training activity averaged between one day and six months and involved up to 20 trainees. A large fraction of these on-the-job trainings were conducted as exchange programs among Offices of developed countries with a view to exchanging best practices.

13. The following generic on-the-job trainings were organized for the benefit of patent examiners from developing countries: Mexico hosted a training for 12 examiners from Guatemala; the Philippines a training for two examiners from Bhutan; and Thailand a training for three examiners from Lao People's Democratic Republic. A technology-specific on-the-job training was hosted by IP Australia for three examiners from Viet Nam and by Switzerland for two examiners from the Philippines.

CLASSROOM-TYPE TRAINING EVENTS

14. Classroom type training events are conducted face-to-face and require the physical presence of trainers and trainees, such as workshops or seminars on patent classification, patent drafting, search strategies, foundations of the IP system, etc.

15. As had been the case in response to the previous surveys, Offices reported that most training activities carried out in 2018 had been classroom type training events: 10 donor Offices have organized or contributed to more than 39 such training activities for more than 50 beneficiary Offices and more than 300 examiners.

16. Inviting guest trainees to classroom-type training organized primarily for examiners of the donor Office may be considered to be an effective training method for examiners from other Offices. However, the responses to the Questionnaire revealed that, in 2018, none of the donor Offices had invited any foreign examiner to such in-house training event. In response to the previous surveys (Circulars C. PCT 1464, 1497 and 1529), which covered training activities in the period between 2013 and 2017, six Offices had reported such invitations.

Compilation of Training Activities

17. At the time of writing of the present document, the International Bureau was in the process of preparing a compilation of all training activities for substantive patent examiners carried out between 2013 and 2017 on which Offices had reported in reply to the three surveys (Circulars PCT 1464, 1497, 1529 and 1559). The International Bureau will give an oral update on this compilation during the present session of the Working Group.

ONLINE SEMINARS, DISTANCE LEARNING COURSES, SELF-STUDY MATERIALS

18. Training activities establishing a virtual classroom, such as live or recorded online seminars (webinars), distance learning courses (both tutored and not) as well as materials for self-study are a potentially effective way of delivering training, since they avoid travel and, when conducted in an asynchronous manner, may be taken by trainees at their own pace.

19. In reply to the Questionnaire, 19 Offices indicated that their examiners had participated in virtual classrooms or distance learning courses in 2018. Examiners from 12 Offices had utilized courses or webinars provided by WIPO, mostly the distance learning courses developed by the WIPO Academy. Courses or seminars provided by the European Patent Office, in particular the European Patent Academy, were utilized by examiners from 13 Offices. Seven of these Offices had utilized courses or webinars from both organizations.

Compilation of e-learning facilities and self-study material

20. Already at the tenth session of the Working Group, the International Bureau presented a compilation of e-learning facilities and self-study material, which was further updated several times in the course of 2017 and 2018. In reply to the questionnaire, responses from six Offices were received with regard to the request to review this compilation. The International Bureau has prepared another update of the compilation (see document PCT/WG/12/PRESENTATION/E-LEARNING) and included further e-learning resources researched on the International Bureau's own initiative. An oral update on this compilation will be given during the present session of the Working Group.

Proposed survey on policies for developing and utilizing e-learning facilities

21. The availability of e-learning resources has steadily increased over the last years and particular resources have become more sophisticated. Various Offices have engaged in the development of e-learning resources as part of their efforts to develop a training infrastructure for new recruits and experienced examiners. While resources developed by IP institutions usually cover core competencies of patent examiners, other (non-IP) institutions have developed other e-learning facilities catering not exclusively to patent examiners but addressing skills useful for examiners as well, for example, technology specific skills such as searching dedicated databases for bio-sequences.

22. In particular smaller Offices have, however, not sufficient resources to develop their own e-learning resources. Although they could greatly benefit from such resources, it appears that these opportunities are not yet fully exploited or even known.

23. The International Bureau therefore proposes to carry out a one-time survey to explore the policies of Offices with respect to utilizing e-learning resources from various sources for the training of their patent examiners; it would further cover their policies for developing e-learning

resources as part of an Office's training infrastructure, and for sharing of resources with other interested Offices or potential users. The survey would further seek to gather the Offices' views on the utility of e-learning, on gaps in existing e-learning resources, and on cooperation in developing and sharing such resources.

INCREASE OF TRAINING OPPORTUNITIES

24. Six donor Offices provided specific responses with respect to the invitation to increase training opportunities.

25. Four Offices indicated, in general terms, their commitment to continue their current involvement in examiner training. The China National Intellectual Property Administration (CNIPA) indicated specific plans for increasing the training of examiners in the framework of the existing China Funds-in-Trust. Only the Swiss Federal Institute of Intellectual Property indicated plans for increased opportunities for technology specific on-the-job training.

FUNDS-IN-TRUST ARRANGEMENTS

26. None of the Offices which have set-up Funds-in-Trust arrangements with WIPO in the past indicated plans to expand their Funds-in-Trust arrangements. None of the other Offices indicated plans to set up similar Funds-in-Trust arrangements with a view to making additional funds available for the provision of training of examiners from developing countries.

CURRICULA, COMPETENCY MODELS AND/OR OTHER TRAINING RELATED DOCUMENTATION

27. Five Offices replied to the request to share curricula, competency models or other training related materials. The International Bureau will give an oral update on the responses during the present session of the Working Group.

NEXT SURVEY

28. Noting that it had been agreed that the International Bureau should invite Offices to report regularly to the International Bureau on any training activities carried out or received by an Office, the International Bureau proposes to conduct future surveys only biennially instead of annually, since this would reduce the workload of Offices for reporting while transparency would be maintained. The International Bureau therefore plans to carry out another survey in 2021, covering training activities in the years 2019 and 2020. It will report on the responses received in reply to that survey to the Working Group at its 2021 session.

29. *The Working Group is invited:*

(i) to note the contents of the present document;

(ii) to comment on the proposals set out in paragraphs 23 and 28 of the present document.

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