

Patent Cooperation Treaty (PCT) Working Group

Thirteenth Session
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COORDINATION OF PATENT EXAMINER TRAINING

Document prepared by the International Bureau

This document updates paragraphs 7 and 11 to 14 of document PCT/WG/13/6 to show recent developments and take into account that there will no longer be a side event during the session.

SUMMARY

1. This document presents a progress report regarding the development of a framework of technical competencies (CF) for substantive patent examiners and a learning management system (LMS), 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 (CF), 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; and
 - 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 (LMS) 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 twelfth session of the PCT Working Group, held in Geneva from June 11 to 14, 2019, the International Bureau presented a progress report on the development of a CF and LMS (document PCT/WG/12/5).
5. Paragraphs 174 to 179 of the Report of the twelfth session of the PCT Working Group (document PCT/WG/12/25) provide details of the discussions of document PCT/WG/12/5. The International Bureau indicated that it would report on progress of the development of a CF and LMS to the Working Group at its session in 2020.

PROGRESS REPORT

6. The development of a generic CF for patent examiners is still 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 an 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), the eleventh session of the Working Group (see document PCT/WG/11/PRESENTATION/CBT_MANAGEMENT_TOOLS) and the twelfth session of the Working Group (see document PCT/WG/12/PRESENTATION/CBT_MANAGEMENT_TOOLS). The progress of the project was also presented at the Heads of IP Offices Conference (HIPOC) on August 29, 2019, in Singapore.

7. The web-based test site of an LMS which forms part of the project has been developed further for demonstrating certain functionalities of an 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.

The web-based site now includes several samples of self-assessments and assessments of learning success where learners need to demonstrate certain knowledge and skills. A sample training course for patent classification was prepared that uses selected training examples of the Revision Working Group of the International Patent Classification (IPC) Union (<https://www.wipo.int/classifications/ipc/en/training/>). Furthermore, a training course “Work-sharing in the PCT national phase” is under development, which addresses skills and knowledge required for proper utilization of examination work products from other national phases.

8. The web-based site can be easily accessed by any interested Office (<https://icblm.moodlecloud.com>). Test accounts with limited permissions can be made available through the International Bureau.

9. The LMS is also used for developing and editing the generic framework of technical competencies for patent examiners, which currently comprises some 650 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). The current status of the generic CF can be viewed at the said web-based test site (see paragraph 8 above).

10. The development of the CF is still under way, as it requires, in some fields, such as “Patent Classification” or “Technology Specific Search Methodologies”, input from technical experts. For that purpose, the CF and in particular the field “Patent Classification” was presented to the Committee of Experts of the IPC Union at its fifty-second session on February 19 and 20, 2020. It was agreed to create a corresponding project of the Committee for reviewing the IPC-related parts of the CF.

11. Further expert review and input, in particular for the fields “Generic Search Methodologies”, “Technology Specific Search Methodologies” and “Databases and Tools for Prior Art Search” is being sought from the “Qualified Patent Information Professional (QPIP)” expert group of the Patent Information User Group (PIUG), which is implementing a competency-based certification for such professionals. A presentation will be made at the 2020 Annual Conference of PIUG, which will take place virtually, in October 2020.

12. As a further part of the project, the International Bureau has engaged in 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. The development of this site has continued as a localized site on IPOP HL's intranet, but has been paused in light of the COVID-19 pandemic.

13. The previous development was supported by Individual Contractor Services provided by experienced patent examiners of the Intellectual Property Corporation of Malaysia (MyIPO) and IPOP HL. The initial plan to contract a third such service from another interested Office in the Asia Pacific Region in 2019 has been postponed to 2021 in light of the COVID-19 pandemic. A workshop for Offices in the Asia Pacific Region for demonstrating the IPOP HL test site, organized in collaboration with IPOP HL, had been planned for June 2020, but was postponed in view of the COVID-19 pandemic.

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.

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 2021 session.

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

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