E

WIPO

WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Patent Cooperation Treaty (PCT) Working Group

Fourteenth Session
Geneva, June 14 to 17, 2021

SURVEY ON THE USE OF E-LEARNING RESOURCES FOR THE TRAINING OF SUBSTANTIVE PATENT EXAMINERS

Document prepared by the International Bureau

SUMMARY

1.   This document presents the evaluation of a survey regarding the use of e-learning resources for the training of substantive patent examiners. Offices that had used e-learning found it useful. Notably, no Office raised concerns over the speed and reliability of internet connections for the use of such tools. Offices that had made little use of e-learning in the past are considering using this more in future. Offices did, however, note issues such as certification, assessment and tracking of e-learning. Member States are invited to consider the creation of an independent repository of e-learning resources.

INTRODUCTION

2.   At its twelfth session, the PCT Working Group discussed the compilation of e-learning resources maintained by the International Bureau and the utility of e-learning for examiner training (see document PCT/WG/12/6). Paragraphs 21 to 23 of this document discussed a proposed survey on policies for developing and utilizing e-learning facilities, reproduced below:

> "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."

3. The Working Group, at its twelfth session, approved the proposal that the International Bureau carry out the survey outlined in paragraph 23 of document PCT/WG/12/6 (see paragraph 173(b) of the Report of the session, document PCT/WG/12/25).

4. The International Bureau therefore issued Circular C. PCT 1588, dated February 27, 2020, to request information regarding the use of e-learning resources for the training of substantive patent examiners. This Circular received 19 responses, but only a few of these were from IP Offices in developing and least developed countries. The limited number of responses may have been a result of other priorities arising from the emerging COVID-19 pandemic.

5. In light of their experience of the COVID-19 pandemic, Offices may have been reviewing their policies with regard to e-learning. In view of the above developments, the International Bureau proposed to repeat the survey and to report to the fourteenth session of the Working Group in 2021 (see document PCT/WG/13/11). The International Bureau therefore issued Circular C. PCT 1620, dated April 6, 2021. The questionnaire annexed to this Circular was essentially equivalent to the questionnaire of Circular C. PCT 1588, except for an update related to the compilation of e-learning resources maintained by the International Bureau.

OVERVIEW OF SURVEY RESPONSES

6. The International Bureau received 31 responses to Circular C. PCT 1620. The responses of a further 12 countries that had replied to Circular C. PCT 1588 but not to Circular C. PCT 1620 were also taken into account for the evaluation of the survey because both Circulars included identical questionnaires. Only 18 of the 43 replies to both surveys were from developing and least developed countries or from countries in transition.

7. A statistical analysis and a compilation of quotations of comments from the 42 responses to both Circulars is available on the webpage for this session. The responses to Circular C. PCT 1588 have been marked separately in order to distinguish them from the other responses.

8. The following paragraphs summarize the evaluation of the responses to the questionnaires.

POLICIES ON THE USE OF E-LEARNING RESOURCES

9. Twenty-eight Offices replied that they had established a policy on the obligatory and/or voluntary use of e-learning resources, while 15 Offices replied that they had no such policy in place.

10.   For 18 of the 28 Offices having a policy, the use of certain e-learning resources is an obligatory part of the entry level training of examiners, and for eight of the 28 Offices also for the post entry level training. For six Offices, use of e-learning resources is not obligatory.

11.   It may already be considered a policy on the use of e-learning if an Office merely recommends the voluntary use of e-learning resources to its examiners or provides incentives for their use. All 28 Offices indeed do so, and 20 of them have even endorsed the use of certain resources, mostly the e-learning centers of the European Patent Office and WIPO. Some Offices have further endorsed the e-learning centers of European Union Intellectual Property Office and the commercial database vendor STN. One Office has also endorsed non-IP related e-learning centers like coursera.org.

12.   Another aspect of a policy on the use of e-learning could be incentives for their voluntary use. Thirty-six Offices replied that examiners are permitted to use part of their working time for voluntary e-learning; seven Offices do not permit this. As such, it appears that effectively more Offices have at least an implicit policy in place than the 28 Offices that expressly confirmed having a policy on the use of e-learning resources.

13.   Eight Offices have further incentives in place. Such incentives range from consideration in the course of the annual assessment of performance, determining a part of the annual incentive pay or reduction in monthly output targets, to opportunities for participation in external training events.

14.   From the comments regarding the utility of e-learning, it is apparent that many Offices consider systematic use of e-learning a very effective part of the training of entry-level examiners. The reasons range from laying a common ground for all trainees, the advantage of taking courses at one's own pace, the opportunity to continuously improve the learning activities through feedback from trainees, and the option to conduct standardized assessments as part of e-learning activities.

15.   Despite these beneficial aspects of e-learning, many Offices also agree that it can be only one component of a training framework. Several comments emphasize that e-learning cannot replace but only complement learning through direct face-to-face interaction of trainees and trainers in a physical classroom-type setting, or the mentoring by experienced examiners.

DEVELOPMENT OF AND ACCESS TO E-LEARNING RESOURCES

16.   Five Offices have developed all the e-learning resources used for the training of their examiners, and 11 Offices have developed at least some of these e-learning resources; 27 Offices have not developed any e-learning resource.

17.   The access to such e-learning resources ranges from fully free on-line access to any resource (one Office) to controlled access, that is, access requiring a paid fee or admission because of a bilateral agreement between Offices. Of the 16 Offices that have developed e-learning resources, 10 do not grant any access to them for external users.

18.   From the comments received, it is apparent that, in particular, small and medium Offices, which have fewer resources to develop e-learning resources themselves, greatly appreciate support for the training of their experts by means of access to external e-learning resources. It would therefore be very beneficial if more Offices made their training resources available without any restrictions to users from other Offices. This may add to the sharing of best practices among Offices, both to examination practices and online training practices and techniques, as some comments state.

19.   Offices considering public access may also take into account that public sharing of training resources and methodologies adds to the transparency of examination practice at an Office, thereby helping to increase confidence among users. It may also make an important contribution to the capacity building of other users of the patent system of the respective economy.

20.   On the other hand, as the development of e-learning resources also requires considerable financial or human resources, some Offices may not wish to publicly share them but only with experts from other patent Offices. In order to mitigate the administrative burden for such Offices with managing requests for and access to such resources, one could consider the creation of an independent repository for e-learning resources, which would provide access to accredited users.

21.   Such repository could as well manage the translation of selected resources in order to facilitate access and use of them. It would assure a continuing availability of such resources, which is essential for a systematic use of external resources, as one comment emphasized. In order to mitigate problems with the speed and reliability of internet connections, some resources could be made available for download and integration in local learning management systems. Overall, such a repository would certainly be beneficial for promoting the use of e-learning among Offices which have not yet considered this learning method.

COMPILATION OF E-LEARNING RESOURCES

22.   The International Bureau maintains a compilation of e-learning resources suitable for substantive patent examiners which is regularly updated at least twice a year (for the latest update, see document PCT/WG/14/REFERENCE/E-LEARNING).

23.   The comments received on this compilation of e-learning resources reflect great appreciation for the compilation, its comprehensiveness and usefulness. Some comments refer to the long-term plans for this compilation and emphasize the importance to maintain and update it regularly. Other comments state that many of the resources, while they are useful, require little engagement from the participant ("just watch, listen or read"; "little interactivity to reinforce learning"), or that few include assessments of the success of learning.

24.   The questionnaire included an invitation to report further online e-learning resources not yet included in the compilation that would be suitable for the training of substantive patent examiners; the responses did not, however, include any such indications.

UTILITY AND OTHER ASPECTS OF E-LEARNING RESOURCES

25.   Several Offices stated that they had made little use of e-learning but would consider an enhanced use of it in the future, in particular, in view of the increasing use of teleworking.

26.   It was also noted that more technology specific training units are needed.

27.   Several comments referred to certification, which would provide an incentive for examiners to participate. It would also useful be for Offices tracking the learning progress of their staff. It was stated that not just participation should be certified, but the success of learning based on a meaningful assessment of the skills and knowledge acquired through participation.

28.   Surprisingly, none of the comments raised problems with the speed and reliability of internet connections.

29.   *The Working Group is invited:*

(i)   to note the results of survey on e-learning resources for the training of substantive patent examiners; and

(ii)   to comment on the creation of an independent repository for e-learning resources, as discussed in paragraphs 16 to 21, above.

[End of document]