

## **Patent Cooperation Treaty (PCT) Working Group**

**Tenth Session**  
**Geneva, May 8 to 12, 2017**

### **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. The International Bureau therefore conducted another survey by issuing Circular C. PCT 1497, dated January 6, 2017, 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/>.

5. As of March 13, 2017, the International Bureau has received 40 replies to the Questionnaire: 36 from beneficiary Offices (13 of which were also donor Offices), three from Offices which had only acted as donor Offices, and two from Offices which had been neither a donor nor a beneficiary of any training activity. The replies are discussed in paragraphs 6 to 32, below.

#### **TRAINING ACTIVITIES CARRIED OUT IN 2016**

6. 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

7. 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).

8. The Regional Patent Examiner Training (RPET) program of the ASEAN-Australia-New Zealand Free Trade Area, which was presented at the seventh session of the Working Group, is one example of a medium to long-term comprehensive training program. It is based on a patent examiner competency model, under which the participants are expected to attain all relevant competencies. Such programs are therefore similar to the in-house training organized by many patent Offices for newly recruited examiners.

9. According to the evaluation of activities recorded by Offices in the Questionnaire, three Offices provided this type of training in 2016: IP Australia (IPAU) has organized a fourth and last intake of the RPET program for 15 examiners from seven Offices in Asia and Africa. RPET will be replaced by RPET-Mentoring, on which the Delegation of Australia will report at the present session of the Working Group. The European Patent Office (EPO) has organized such training for examiners of some of its member States; and the Japan Patent Office (JPO) has organized one three-months program (OPET – Operational Patent Examiner Training) for 10 examiners from three 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 survey (Circular C. PCT 1464), which had covered such training activities carried out during the period between 2013 and 2015.

## 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. Nine donor Offices have organized on-the-job training for 19 different beneficiary Offices and a total of 99 examiners. Each training activity averaged between three days and six months and involved up to 20 trainees.

13. In response to the previous survey (Circular PCT 1464), 10 donor Offices had reported that they had organized on-the-job training for nine beneficiary Offices during the period between 2013 and 2015.

14. An additional three Offices of developed countries reported, in this category, examiner exchange programs with other Offices of developed countries.

## CLASSROOM-TYPE TRAINING EVENTS

15. 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.

16. As had been the case in response to the previous survey, Offices reported that most training activities carried out in 2016 had been classroom type training events: 14 donor Offices have organized or contributed to more than 117 such training activities for a total of 45 beneficiary Offices. The beneficiary Office that reported the maximum of external training support in 2016 had received invitations to 17 overseas courses from six different donor Offices for a total of 31 participants, and organized six domestic courses with the assistance from four donor Offices for a total of 197 participants.

17. In response to the previous survey (Circular C. PCT 1464), which covered training activities carried out during the period between 2013 and 2015, 19 donor Offices reported to have organized or contributed to 81 such training activities for a total of almost 1,100 participants. From beneficiary Offices, 29 Offices sent an average of two examiners to overseas workshops or seminars, and for 13 of the beneficiary Offices seminars or workshops were delivered by donor Offices in the premises of the beneficiary Office.

18. 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 2016, none of the donor Offices had invited foreign examiners to such in-house training events. In response to the previous survey (Circular PCT 1464), which covered training activities in the period between 2013 and 2015, five Offices had reported such invitations.

#### Compilation of Training Activities

19. 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 2016 on which Offices had reported on in reply to both surveys (Circulars PCT 1464 and 1497). 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

20. 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.

21. In reply to the Questionnaire, 17 Offices indicated that their examiners had participated in virtual classrooms or distance learning courses. Examiners from 11 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 11 Offices. Seven Offices had utilized courses or webinars from both organizations.

22. One Office reported to have also attended courses of the Fundación Centro de Educación a Distancia para el Desarrollo Económico y Tecnológico (CEDDET), an organization that provides e-learning courses in the Spanish language.

23. In response to the previous survey (Circular C. PCT 1464), which covered training activities in the period between 2013 and 2015, 24 Offices reported participation of their examiners in virtual classrooms or distance learning courses.

#### Compilation of e-learning facilities and self-study material

24. In reply to the questionnaire, responses from seven Offices were received with regard to e-learning facilities and self-study material, four of which included links to material or courses available online. At the time of writing of the present document, the International Bureau was in the process of preparing a compilation of live or recorded online seminars (webinars), distance learning courses (both tutored and not), as well as materials for self-study suitable for substantive patent examiners based on what Offices reported in response to both surveys (Circulars C. PCT 1464 and 1497), and on supplementary researches. The International Bureau will give an oral update on this compilation during the present session of the Working Group.

## **INCREASE OF TRAINING OPPORTUNITIES**

25. Eleven donor Offices provided specific responses with respect to the invitation to increase training opportunities. There were no indications that any Office has plans to become a new donor Office in the future.

26. Several Offices indicated, in general terms, their commitment to continue their current involvement in examiner training. Two Offices stated, in general terms, their readiness to increase their involvement. None of the responses indicated any plans for increased opportunities for on-the-job training or technology specific or otherwise advanced training.

27. Two Offices stated their particular readiness to include, in cooperation with the International Bureau, external examiners as guest trainees in regular training activities organized for the Offices' examiners. In the evaluation of the previous survey (see document PCT/WG/9/18), this option had been identified as a very efficient way of delivering training to beneficiaries and as very effective with a view to sharing best practices. One of the two Offices raised the question as to how such participation would be funded.

## **FUNDS-IN-TRUST ARRANGEMENTS**

28. Four Offices which have set-up Funds-in-Trust arrangements with WIPO in the past provided specific responses on the issue of 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.

29. Australia's Funds-in-Trust includes, for the 2017/18 biennium, additional means dedicated to specific examiner training activities, which will be implemented based on a needs analysis conducted by the International Bureau. The said needs analysis will be based on replies received in response to the previous survey (Circular C. PCT 1464) and additional research conducted by the International Bureau among certain ASEAN member Offices.

30. China indicated that its contributions to the China Funds-in-Trust set-up in 2015 have steadily increased and that projects covering the training of examiners may be included in the future.

31. Japan explained that the work plans of the Japan Funds-in-Trust set-up in 1987 always included examiner training activities, on which it had reported in reply to both surveys, and indicated its commitment to adapt future work plans, in cooperation with the International Bureau, to assure an efficient use of the Funds-in-Trust.

32. The Republic of Korea explained that the work plans of the existing Funds-in-Trust included activities for examiner training, but that no plans existed at this point to expand the existing arrangements.

## **2017 SURVEY**

33. Noting that it had been agreed that the International Bureau should invite Offices to report annually to the International Bureau on any training activities carried out or received by an Office, a survey similar to the one carried out by way of Circular C. PCT 1497 will again be carried out in 2017. The International Bureau will report on the responses received in reply to that 2017 survey to the Working Group at its 2018 session.

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

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