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Patent Cooperation Treaty (PCT) Working Group

**Fourteenth Session
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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 (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 summarizes 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 competencies 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 donors were monitored and evaluated.

3.   To achieve these objectives, paragraph 12 of the document proposed the use of generic competency frameworks (CF), which would be sufficiently comprehensive and detailed to enable Offices to define individual learning plans (competency models) adapted to an individual examiner's job description and the Office's examination policy by selecting appropriate

competencies from the generic framework. Paragraph 12 also mentions further uses of generic competency frameworks, for example for communicating training needs or describing content of learning activities.

4.   Based on such learning plans the individual progress and success of learning could be tracked and/or assessed. Learning may progress through participation in a variety of training activities organized or hosted by different providers as long as the activities cover required competencies. Progress would be tracked in terms of competencies covered by such activities and not in terms of attendances. An assessment of the success of learning in terms of competencies included in an individual learning plan may be conducted independently of participation in any particular training activity.

5.   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, in particular the composing of learning plans, the tracking of progress and assessments, and the reporting to managers, as described in paragraphs 15 and 16 of the document.

6.   At the thirteenth session of the PCT Working Group, held as a hybrid meeting in Geneva from October 5 to 8, 2020, the International Bureau presented a progress report on the development of a CF and LMS (document PCT/WG/13/6 REV). Paragraphs 86 to 95 of the draft Report of the thirteenth session of the PCT Working Group (document PCT/WG/13/15 PROV.) provide details of the discussions of this progress report. 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 2021.

PROGRESS REPORT

7.   The development of a generic CF for patent examiners and a LMS started as a collaboration of the PCT International Cooperation Division of WIPO's Patent and Technology Sector with the Division for Asia and the Pacific (ASPAC) of WIPO's Regional and National Development Sector as part of a project (the Project) of the ASPAC Division for improving the efficiency of donor sponsored examiner training. The initial development was supported by Individual Contractor Services (ICS) provided by experienced patent examiners of the Intellectual Property Corporation of Malaysia (MyIPO) and the Intellectual Property Office of the Philippines (IPOPHL). The initial plan to contract a third such service from another interested Office in the Asia Pacific Region had to be abandoned in light of the COVID-19 pandemic.

8.   The International Bureau presented details of the progress of this Project at side events 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). Results of the Project were also presented at the Heads of IP Offices Conference (HIPOC) on August 29, 2019, in Singapore (see https://icblm.moodlecloud.com/mod/resource/view.php?id=39).

9.   As a further part of the Project and result of the ICS support by the IPOPHL expert, IPOPHL started, in collaboration with the International Bureau, the development of a local site of an LMS based on the open source Moodle software as a client server system accessible for internal users via the office intranet. The LMS is configured according to the organizational structure of IPOPHL and the competency-based training and assessment procedures of IPOPHL for patent examiners. IPOPHL considers the deployment of similar local LMS sites for other areas of IP based on the experience of the patent related LMS. In essence, such further LMS sites would only require adaptations regarding the applicable competency frameworks and learning plans, the learning content and assessment tools.

10.   The International Bureau has also continued the development of the web-based test site (https://icblm.moodlecloud.com) of an LMS for demonstrating uses and certain functionalities of an LMS for competency based learning management. In particular, a set of courses on "Using a LMS for Examiner Training and Performance Management" was developed which explains in considerable detail the concept of competency-based learning management and the use of a LMS in combination with generic CFs, as outlined in document PCT/WG/10/9, and summarized in paragraphs 3 to 4, above. The targeted audience are managers in charge of developing and implementing training policies and respective frameworks. For example, for managers exploring the feasibility of operating a local LMS, a short demo illustrates the ease of setting up a local site (like the IPOPHL site) or a web-based site (like the ICBLM site), and the ease of importing external components developed on other LMS sites (a course, a competency framework, and a quiz activity). The set of courses is freely available at https://icblm.moodlecloud.com/course/index.php?categoryid=7 with guest access (no login credentials required).

11.   The test site includes further components such as a course "Work-sharing in the PCT national phase", which addresses skills and knowledge required for proper utilization of examination work products from other national phases. Currently additional sample cases are added which illustrate various issues that examiners may encounter with specific cases. This course and other components requiring responses from users can only be accessed after login; test accounts with limited permissions can be made available through the International Bureau.

12.   The LMS is also used for developing and editing the generic framework of technical competencies for patent examiners. The lesson "ICBLM draft generic competency framework for patent examiners" of the said set of introductory courses explains in detail the design concept of the generic CF and samples of it (https://icblm.moodlecloud.com/mod/lesson/view.php?id=180).

13.   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. Such review is under way in collaboration with the Committee of Experts of the IPC and 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.

14.   The International Bureau and IPOPHL will provide more detailed explanations of these developments at a virtual side event, which will be held in the week before the plenary session, on Thursday, June 10, 2021 at 10 a.m. Central European Summer Time (UTC+2). In order to mitigate issues with different time zones, the event will be recorded and made available on the internet before the start of the plenary session.

15.   The International Bureau will provide a short oral update on the development of the tools for a competency-based learning management system during the session of the Working Group.

TECHNICAL ASSISTANCE FOR DEVELOPING TRAINING FRAMEWORKS

16.   The Project of the ASPAC Division is aligned with technical assistance that IP Australia provided to five ASEAN offices (Indonesia, Malaysia, Philippines, Thailand, Viet Nam) in the context of the Regional Patent Examiner Training (RPET) and Regional Patent Examiner Mentoring (RPEM) projects until the end of 2020. These projects aimed at assisting the Offices in developing their own infrastructures for competency-based training of patent examiners, following to some extent the training concept that IP Australia applies for its own new recruits.

17.   It appears that the offices have made considerable progress towards the development of sustainable training infrastructures, which permit a systematic and competency-based training of entry-level patent examiners. These infrastructures will continuously improve with each round of new recruitments and the addition and adaptation of training management tools. In the end, this will enable the Offices to assure an efficient and effective training of entry-level examiners by their own means and largely independent of external support, as it is the case with major patent Offices in developed countries. External support may, however, still be needed for post entry-level training, such as technology specific training.

18.   The five ASEAN Offices are medium-sized offices with approximately 100 examiners. They therefore have a recurrent training demand that justifies the resources needed for developing and maintaining an in-house training infrastructure. Offices of similar size in other regions are likely to have similar needs and may therefore also consider developing sustainable training infrastructures; such development could benefit from external technical assistance and from experiences gained during the deployment of the Project.

19.   The situation is different for smaller Offices which normally do not have the resources to maintain their own training infrastructure, and which may not have such a frequent recurrent training need for new recruits. They may also have partly differing training needs, for example, a stronger focus on work sharing. Such Offices will continue to depend on external training support and their staff may therefore be exposed to a patchwork of training activities by different providers.

20.   The training management concept of competency-based tracking of learning progress and the respective tools (learning plans derived from generic competency frameworks and learning management systems) may, nevertheless, be applied to assure a comprehensive training of the staff members of smaller Offices. It is, however, still an open question how a systematic training management of such staff of small Offices could be implemented such that its effectiveness, timeliness and sustainability can be assured similar to the training of other Offices. For example, an Office may have defined suitable learning plans and therefore may know what competencies are required, but the Office may not be able to match these needs with the immediately available training. The Office also may not have the ability to assess the respective success of learning. A systematic matching of demand with supply may require assistance from external institutions or through regional cooperation based on bilateral or multilateral agreements.

21.   It is therefore proposed that the International Bureau conduct a survey both among small offices and medium Offices with respect to:

(a)   whether training policies, training management methodologies and respective infrastructures are in place;

(b)   their needs for technical assistance for developing such policies, methodologies and infrastructures;

(c)   their views on how such technical assistance could be organized and on how the actual supply of training could be organized in a timely and efficient manner.

REPORTING ON SURVEY AND DEVELOPMENTS

22.   The International Bureau will present an evaluation of the proposed survey and report on the further progress of the development of the competency framework and the learning management system to the Working Group at its 2022 session.

23.   *The Working Group is invited:*

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

(ii) to comment on the proposal to conduct a survey, as outlined in paragraph 21, above.

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