

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

**Seventeenth Session**  
**Geneva, February 19 to 21, 2024**

### **COORDINATION OF PATENT EXAMINER TRAINING**

*Document prepared by the International Bureau*

#### **SUMMARY**

1. This document presents the results from the survey for coordination of patent examiner training for small and medium Offices and makes proposals for developing a repository of e-learning resources based on the feedback from the survey.

#### **INTRODUCTION**

2. At its fourteenth session in 2021, the PCT Working Group discussed various aspects of assistance for developing training frameworks for small and medium Offices (see paragraphs 16 to 20 of document PCT/WG/14/13) and invited the International Bureau to conduct a survey among these Offices (see paragraph 56 of the Summary by the Chair, document PCT/WG/14/18, and paragraphs 177 to 186 of the Report of the session, document PCT/WG/14/19).

3. At the fifteenth session of the Working Group in October 2022, the International Bureau acknowledged further training needs beyond the training of entry-level examiners, for example, training on emerging technologies and for functioning as an International Searching and Preliminary Examining Authority. The Working Group therefore agreed to widen the focus of the previously envisaged survey and to conduct a modified survey (see paragraphs 11 to 16 of PCT/WG/15/7 and paragraph 17 of the Summary by the Chair, document PCT/WG/15/19).

4. At the fifteenth session, Member States also supported the creation of an independent repository of e-learning resources, with some Offices showing interest in providing resources for the repository. The International Bureau indicated that it would present to the Working Group a

more detailed concept for the operation of such repository (see documents PCT/WG/15/4, PCT/WG/15/7, and paragraphs 11 to 17 of document PCT/WG/15/19).

## **SURVEY FOR COORDINATION OF PATENT EXAMINER TRAINING FOR SMALL AND MEDIUM OFFICES**

5. The International Bureau launched the survey for coordination of patent examiner training for small and medium Offices discussed at the fourteenth and fifteenth sessions of the Working Group through Circular C. PCT 1658, dated November 21, 2023. While the questionnaire aimed to identify training needs of small and medium Offices with a view to future planning of assistance by the International Bureau, the questionnaire also sought possibilities of assistance networks among Offices and to learn from what Offices have in place for patent examiner training. The questionnaire was therefore addressed to larger Offices as well as small and medium Offices.

6. The International Bureau will present detailed findings of the survey at this session of the Working Group. From the responses received to date, the International Bureau has the following general observations from small and medium Offices:

- (a) There are common needs for training on almost every aspect of search and examination, ranging from prior art search and assessment of patentability requirements to trainings on specific technical fields such as artificial intelligence and pharmaceutical inventions;
- (b) Areas related to self-sustainable training capabilities, such as training of trainers and establishment of internal guidelines on search and examination, ranked high among the priorities for technical assistance.

## **TRAINING PROGRAMS IN SEARCH AND EXAMINATION**

7. Noting the common training needs for Offices, the International Bureau believes that instead of relying on ad hoc trainings, it would be useful and necessary to have more consistent training programs for Offices. These programs would cover the basic skills such as prior art search as well as what are needed, for example, in specific technical fields, and subjects such as strengthening training capabilities of Offices. A more consistent set of programs would help address common needs of Offices and maximize training efficiency with limited resources.

8. However, there will always be a need for customized trainings for individual Offices, and the International Bureau will continue to provide demand-driven technical assistance. The training programs will be also developed with the possibility of customization in mind. Moreover, for areas where it is not easy for small Offices to develop their capacities in the near future, WIPO will continue to provide the International Cooperation for Examination (ICE) service connecting voluntary donor Offices with beneficiaries to provide search and examination reports on selected applications on a pro bono basis.

## **E-LEARNING REPOSITORY**

9. With a view to developing and providing training programs, it is proposed, as a first step, to consider the scope and concept of the e-learning repository discussed at the fifteenth session of the Working Group (see paragraph 4, above).

## **CONTENT OF E-LEARNING REPOSITORY**

10. During the discussions on the repository at the fifteenth session of the Working Group, there was a suggestion on working towards developing some common modules under the aegis of WIPO that included courses on assignment of International Patent Classification (IPC) codes and fundamentals of conducting search, which are basic competences to be acquired by examiners (see paragraph 12 of document PCT/WG/15/19). In view of this suggestion, the

common needs identified from the survey, and the e-learning materials currently available to the International Bureau, the International Bureau believes that it would be useful to have common introductory materials on the repository specifically designed for patent examiners.

11. E-learning materials provided by donors are often on specific topics rather than providing an overview of the patent examination process. It may therefore not be easy for inexperienced examiners to navigate through the materials and find what suits their needs without already having a certain level of knowledge. Moreover, the contributions by donors may be based on the respective national laws and practices. Therefore, it is necessary for users of the repository to understand how the learnings can be applied in their respective jurisdictions. Users also need to be able to identify differences between certain national practices and discrepancies, in particular, from criteria under the PCT to utilize work products of other Offices and International Authorities for their national phase examination in an optimal way that takes full account of national substantive patent law.

12. Therefore, it is proposed that the International Bureau develops, in coordination with interested Offices, introductory materials on patent examination to be included in the repository with a view to facilitating efficient use of the repository. The introductory materials would cover the basics of the search and examination procedures such as prior art search and the understanding of PCT work products, as well as different national practices on certain patentability criteria, for example, patentable subject matter. With the introductory materials, users would be better prepared for and guided through the materials in the repository from donors. The introductory materials could also be used as the first stage of the training programs and, in the long run, assist nurturing a Learning Management System (LMS) for users.

#### EXPANDING THE FUNCTIONS OF THE E-LEARNING REPOSITORY

13. The survey also found that “Establishment of a framework to connect donors with small and medium Offices” and “Establishment of a network among small and medium Offices so that they can exchange their views and experience” ranked high on what the International Bureau should focus on. It also coincides with the International Bureau’s experience that many Offices are not sure about who they should contact to ask for assistance on patent search and examination. Therefore, it is proposed to expand the functions of the envisaged repository so that it can work as a common gateway and networking platform for assistance on patent search and examination.

14. One particular area proposed to be added to the repository is a platform for a network among patent examiners. The International Bureau sees a benefit of such a network where examiners could share their experiences and expertise as lectures and training materials cannot cover all possible scenarios that they would encounter in practice. The platform would be managed by the International Bureau and would also serve as a communication channel between Offices and the International Bureau.

15. If the Working Group agrees to the idea of establishing such a platform, the International Bureau will explore possible ways of implementation, taking into account accessibility, linguistic considerations and possible confidentiality issues.

#### E-LEARNING REPOSITORY – SUMMARY OF PROPOSALS

16. It is therefore proposed to widen the focus of the envisaged e-learning repository as follows:

- (a) In addition to resources provided by donors, to develop and include materials aimed at assisting users of the repository to be properly trained on the basics of search and examination so that they can make full use of the resources available in the repository; and

- (b) To explore adding an electronic platform to the repository for networking between patent examiners.

#### **FUTURE WORK**

17. If the Working Group agrees to the proposals above, the International Bureau will present a more detailed implementation plan at a future session of the Working Group.

18. *The Working Group is invited:*

*(i) to note the responses to the Survey for Coordination of Patent Examiner Training in Small and Medium Offices, discussed in paragraphs 5 and 6, above, and to be presented during the session; and*

*(ii) to comment on the proposals to develop introductory materials and to add an electronic networking platform on the repository, as outlined in paragraphs 10 to 16, above.*

[End of document]