

WIPO



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PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL ASSISTANCE

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PROGRESS REPORT ON THE ENVISAGED ESTABLISHMENT OF A TRAINING PROGRAM FOR NATIONALS OF DEVELOPING COUNTRIES IN THE USE OF PATENT DOCUMENTATION AS OFFERED BY THE AUSTRIAN AUTHORITIES

prepared by the International Bureau

Background to this Document

1. At its fifth session held in Geneva from October 28 to November 3, 1975, the PCT Interim Committee for Technical Assistance (hereinafter referred to as "the Interim Committee") was informed by the Delegation of Austria that its Government, as part of a general program for the technical assistance activities of Austria in the framework of industrial property, was studying the possibility of providing a comprehensive training program.
2. The aim of the program would be to create the necessary infrastructure for developing countries by training experts of those countries in the use of the International Patent Classification as a means to organize and have easier access to patent documents, in the methods of searching patent documents as a means of establishing the state of the art in a particular field of technology and in making the most practical use of the information contained in patent documents. Such training could at the same time enable developing countries to derive more benefit from the use of INPADOC services. Preliminary consultations between the International Bureau and the Austrian authorities concerning such a program had already taken place in 1975.
3. The Interim Committee decided to include this activity as a separate item in its program for 1976 and requested the International Bureau to continue actively its work in this matter, with particular emphasis on reaching soon an agreement with the competent Austrian authorities with a view to ensuring as rapidly as possible the implementation of the broadly-based training program as envisaged.

Consultations between WIPO and the Austrian Authorities

4. During the course of 1976 several informal consultations concerning this matter, including the question of setting up a special financially independent body, were held between the International Bureau and the Austrian authorities. A first plan for the organization of the training program was developed to enable the Austrian authorities to provide for the necessary funds for such program as well as to establish a timetable for the actions to be taken.

Initial Stage

5. According to this plan the training program would start with an initial stage consisting of one or more courses. The aim of such course or courses would be to train experts from developing countries in the use of patent documentation as a source of technological information.

6. It was considered that trainees from the following four groups should be chosen to attend the program in its initial stage:

- (a) Patent Office officials with a technical background
- (b) documentalists and information specialists not familiar with patent documentation
- (c) technical research workers of any kind
- (d) licensing experts, especially those concerned with the approval of license agreements.

7. It is planned that the course or courses in the initial stage should be extensively prepared and elaborated in order to serve not only their immediate purpose of training the experts attending the program but also to serve as a basis for the structuring of the further stages. Both staff and trainees in these first courses should be asked to comment on this stage. Their comments would be studied and duly considered in preparing each following course and when deciding on the introduction of the further stages. The establishment of a permanent training institution in Vienna for the implementation of the courses is envisaged.

The First Course During the Initial Stage

8. A draft Curriculum for the first course in the initial stage has been developed which provides for training in the following main fields:

- I. General Introduction to Industrial Property
- II. Patent Documentation
- III. Searches for the Purposes of the Patent Granting Procedure and for Other Technical Information Purposes.

The complete draft Curriculum is added as an Annex to this document.

9. The first course is envisaged to be held in Vienna beginning in August 1977 with a duration of six to eight weeks.

10. The language of this course would be English.

11. The training experts for the first course would be chosen from the staff of the Austrian Patent Office, the WIPO staff and non-Austrian experts to be recruited by the International Bureau of WIPO and the Austrian authorities. Training experts from INPADOC would be included in the program.

Agreement on the Initial Stage

12. It is expected that an Agreement between WIPO and the Republic of Austria on the initial stage of the training program will soon be concluded.

13. Under the planned agreement, the Republic of Austria would provide the necessary funds, the accommodation, the organization of the course and its own training experts, whereas the International Bureau of WIPO would assist in the preparation of the program

including the procurement and the translation of teaching materials, in the recruitment of training experts and in the selection of the students.

14. A call for applications would be sent out not later than December 15, 1976, since the selection procedure is expected to need some time.

Further Development of the Training Program

15. If, after consideration of the comments made, it is found that the basic course of the initial stage with any amendments and improvements considered desirable meets the needs of the developing countries in general, further stages of the training program would be undertaken providing for additional courses relating to more specialized subjects. For such further stages of the training program new proposals will be made as to duration, languages, program and other details.

16. This document has been elaborated after consultation with the Austrian authorities and meets with their agreement.

17. *The Interim Committee is invited to:*
- (a) take note of the progress made so far in the elaboration of the training program;*
 - (b) to note and, if it so desires, make suggestions in particular as to*
 - (i) the selection of persons to be recruited for and the subjects to be treated in the training at the initial stage*
 - (ii) the envisaged further development.*

[Annex follows]

INTERNATIONAL TRAINING COURSE FOR EXPERTS OF DEVELOPING
COUNTRIES IN THE USE OF PATENT DOCUMENTATION AS A SOURCE OF
TECHNOLOGICAL INFORMATION

DRAFT CURRICULUM

I. Introduction to Industrial Property

- (1) Legal basis of industrial property with an introduction to the fundamental legal terminology
- (2) Different forms of protection of industrial property (patent, utility model, inventor's certificate, trademark, industrial design) their definitions in relation to each other and their delimitation vis-à-vis copyright
- (3) The socio-economic significance of industrial property; legal and economic effects of the various forms of protection of industrial property
- (4) The principal organizational patterns in the patent field (offices carrying out a mere registration of inventions, examining offices, offices with mixed systems, etc.)
- (5) Tasks of the Austrian Patent Office and its organization; survey of the Austrian Patent Law; comparative aspects of the legislation of the major industrialized countries
- (6) Tasks and activities of WIPO and its organizational structure (summary)
 - (a) Paris Convention
 - (b) Model laws for developing countries
 - (c) Patent Cooperation Treaty (PCT)
 - (d) Permanent Committee
 - (e) ICIREPAT
 - (f) International Patent Classification (IPC)
- (7) Other organizations of the United Nations System (UNIDO, UNCTAD, UNESCO (UNISIST), UNDP)
- (8) Other intergovernmental organizations (EPO, OAPI, etc.)
- (9) Substantive legal conditions of patentability
 - (a) exceptions to patentability
 - (b) industrial application
 - (c) disclosure of the invention and complete description
 - (d) novelty, prior public use, exhibition or demonstration, non-prejudicial disclosure, priority and prior rights
 - (e) inventive step
- (10) Fate of an invention from its realization to the procedure for the grant of a patent, industrial exploitation and possible infringement suits, scope of protection and legal significance of claims
- (11) System of (procedural and maintenance) patent fees, policy options (self-supporting financing, etc.)
- (12) Significance of patent licenses in the transfer of technology; compulsory licenses

(13) Registration (organization and procedure)

II. Patent Documentation

(1) Significance of a patent document, its various forms, information value of a patent document in its technological content

(2) Structure of a patent document

(a) bibliographic data and their significance

(b) abstract

(c) description

(d) drawings

(e) claims

(3) Classification of a patent document

(a) problems and principles of classification

(b) national classifications

(c) development of the IPC (need and justification, historic review)

(4) The IPC

(a) Strasbourg Agreement concerning the IPC, explanation of the basic legal provisions

(b) survey of the structure of the IPC

(c) significance of guide headings, references, notes, precedence rules

(d) considerations on the classification of inventions; classification of a patent document with regard to the individual categories of inventions

(e) application and arrangement of classification symbols, multiple classification

(f) survey and explanation of the different sections (sections A to H) of the IPC

(g) auxiliary means for the application of the IPC (guide, glossary, catchword index)

(h) procedure for revision of the IPC

(i) CAPRI system

(5) Organizational patterns of patent documentation

(a) patent documentation of a patent office

(i) search files

(ii) public library

(iii) language aspect of patent documents and significance of patent families

(b) patent documentation of an industrial enterprise

(c) patent documentation in a developing country

(d) guidelines for the establishment of patent documentation

(e) reproduction of patent documents (printed paper copies, microfilm, microfiches, reprographic reproduction, etc.)

- (6) Patent gazettes
- (7) Abstract services
- (8) Systems of computerized administration of patent literature
- (9) Patent documentation as a source of technological information and its economic significance
 - (a) research and development institutions
 - (b) control of licensing and technology agreements
 - (c) technology planning

III. Searches for the Purposes of the Patent Granting Procedure and for Other Technical Information Purposes

- (1) Aims and possibilities in searching for specific technical subject matters in patent documents
- (2) Searching authorities (national patent offices, PCT International Searching Authorities, regional searching authorities, e.g. EPO, non-governmental institutions)
- (3) Searching methods and searching approach in general (using claims, drawings, abstracts, etc.)
 - (a) manual search
 - (b) mechanical search
- (4) Search by patent offices within the framework of the patent granting procedure (deferred examination)
 - (a) examination for novelty
 - (b) examination for inventive step
- (5) Search pertaining to patent litigation
- (6) Search outside the framework of the patent granting procedure
- (7) Searches by the Austrian Patent Office for developing countries
 - (a) explanation of the guidelines for submission of requests
 - (b) review of the experience gained so far in the implementation of the program

[End of Annex and document]