

Patent Cooperation Treaty (PCT) Working Group

**Eleventh Session
Geneva, June 18 to 22, 2018**

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. At its tenth session, the PCT Working Group discussed document PCT/WG/10/7, which presented the responses submitted by Offices in reply to Circular C. PCT 1497 that had been sent to Offices regarding training of substantive patent examiners carried out in 2016, and agreed that a similar survey should be carried out covering training activities in 2017 and prospects for 2018. Paragraphs 128 to 140 of the Report of the session (document PCT/WG/10/25) provide details of this discussion.

5. The International Bureau therefore conducted another survey by issuing Circular C. PCT 1529, dated February 1, 2018, 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/>.

6. As of April 23, 2018, the International Bureau has received 33 replies to the Questionnaire: 30 from beneficiary Offices (15 of which were also donor Offices), and three from Offices which had only acted as donor Offices. The replies are discussed in paragraphs 7 to 28, below.

TRAINING ACTIVITIES CARRIED OUT IN 2017

7. 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

8. 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).

9. According to the evaluation of activities recorded by Offices in the Questionnaire, three Offices provided this type of training in 2017: IP Australia (IPAU) has organized a fourth and final intake of the Regional Patent Examiner Training (RPET) program for 15 examiners from seven Offices in Asia and Africa, which will end in 2018. 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-month 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 surveys (Circulars C. PCT 1464 and 1497), which had covered such training activities carried out during the period between 2013 and 2016.

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. Eleven donor Offices have organized on-the-job training for some 20 different beneficiary Offices and more than 78 examiners. Each training activity averaged between one day and six months and involved up to 20 trainees. A large fraction of these on-the-job trainings were conducted as exchange programs among Offices of developed countries with a view to exchanging best practices.

13. In response to the previous survey (Circular C. PCT 1497), 10 donor Offices had or were reported to have organized on-the-job training for 19 beneficiary Offices during the period between 2013 and 2016.

CLASSROOM-TYPE TRAINING EVENTS

14. 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.

15. As had been the case in response to the previous surveys, Offices reported that most training activities carried out in 2017 had been classroom type training events: 13 donor Offices have organized or contributed to more than 39 such training activities for more than 50 beneficiary Offices.

16. 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 2017, only one of the donor Offices had invited one foreign examiner to such in-house training event. In response to the previous surveys (Circulars C. PCT 1464 and 1497), which covered training activities in the period between 2013 and 2016, five Offices had reported such invitations.

Compilation of Training Activities

17. 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 2017 on which Offices had reported on in reply to the three surveys (Circulars PCT 1464, 1497 and 1529). 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

18. 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.

19. In reply to the Questionnaire, 17 Offices indicated that their examiners had participated in virtual classrooms or distance learning courses. Examiners from seven 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 12 Offices. Three Offices had utilized courses or webinars from both organizations.

20. Two Offices 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.

Compilation of e-learning facilities and self-study material

21. Already at the tenth session of the Working Group, the International Bureau presented a compilation of e-learning facilities and self-study material, which was further updated several times in the course of 2017 (see document PCT/WG/10/PRESENTATION/E-LEARNING). In reply to the questionnaire, responses from seven Offices were received with regard to the request to review this compilation. At the time of writing of the present document, the International Bureau was in the process of preparing a further update of the compilation. An oral update on this compilation will be given during the present session of the Working Group.

INCREASE OF TRAINING OPPORTUNITIES

22. 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.

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

24. One Office stated its 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 first 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.

FUNDS-IN-TRUST ARRANGEMENTS

25. Two 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.

26. Australia's Funds-in-Trust includes, for the 2017/18 biennium, additional means dedicated to specific examiner training activities, which are implemented based on a needs analysis conducted by the International Bureau. The International Bureau will report at the present session of the Working Group on the training activities carried out in 2017 and 2018 by means of the Australia's Funds-in-Trust.

27. 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.

CURRICULA, COMPETENCY MODELS AND/OR OTHER TRAINING RELATED DOCUMENTATION

28. Nine Offices replied to the request to share curricula, competency models or other training related materials. The International Bureau will give an oral update on the at times very comprehensive materials during the present session of the Working Group.

2018 SURVEY

29. 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 1529, covering training activities in 2018, will again be carried out. The International Bureau will report on the responses received in reply to that 2018 survey to the Working Group at its 2019 session.

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

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