

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

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

### **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 for substantive patent examiners and a learning management system, 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 ninth session, held in Geneva from May 17 to 20, 2016, discussed the evaluation of a questionnaire on the training of substantive examiners (document PCT/WG/9/18). This questionnaire, annexed to Circular C. PCT 1464, was 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), and requested information on training activities carried out, 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. 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 50, 60 and 65 of document PCT/WG/9/18; in particular, the Working Group agreed that:

“50. ... the International Bureau should develop a concept for improved coordination of training of substantive patent examiners, with a particular view to coordination with donor Offices, for discussion by the Working Group at the next session.

“60. ... the International Bureau should

(a) invite Offices to share with the International Bureau the curricula that they have developed for the training of their substantive patent examiners;

(b) invite Offices to share with the International Bureau their competency models for substantive patent examiners;

(c) prepare a compilation of such competency models to develop an inventory of various competencies that may be required for substantive patent examiners in Offices of various sizes.

“65. ... the International Bureau should explore the development and management of a learning management system and prepare a concept for discussion by the Working Group at the next session.”

4. 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 summarized 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 competences 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 donor were monitored and evaluated. To achieve these objectives, paragraph 12 of the document proposed the use of competency frameworks, which would be sufficiently comprehensive and detailed to enable:

- Offices to define individual competency models adapted to an individual examiner's job description and the Office's examination policy by selecting appropriate competencies from the generic framework;
- Offices to communicate (individual or institutional) training needs to donors in terms of specified competencies in order to enable donors to respond to training needs more specifically;
- donors to describe content of training activities and define prerequisites for participation in terms of competencies;
- training administrators or managers to assess and record individual prior learning of trainees and identify training gaps;
- training administrators or managers to track and assess the competencies attained by individual examiners through their participation in training activities;

- training organizers or managers to assign training opportunities more effectively by taking into account prior learning and individual training gaps of candidates on the one hand, and content of training activities and prerequisites for participation on the other;
- catering both to Offices conducting regular stand-alone substantive examination and to Offices with limited examination capacities.

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 that supports the managing, tracking and reporting of the training of individual patent examiners or cohorts of examiners, as described in paragraphs 15 and 16 of the document.

6. Paragraphs 141 to 147 of the Report of the tenth session of the PCT Working Group (document PCT/WG/10/25) provide details of the discussions of document PCT/WG/10/9. The International Bureau indicated that it would report on progress of the development of a competency framework and a learning management system to the Working Group at its session in 2018.

## **PROGRESS REPORT**

7. The development of a generic framework of competencies for patent examiners is currently underway in the context of a project for improving the efficiency of donor sponsored examiner training, which is carried out by WIPO's Regional Bureau for Asia and the Pacific (ASPAC). The same project also explores the development and deployment of a learning management system. The International Bureau presented details of this project at a side event during the tenth session of the Working Group (see document PCT/WG/10/PRESENTATION/EXAMINER TRAINING).

8. As part of the project, a first Regional Workshop on Tools for Competency-Based Learning Management was organized in cooperation with the Intellectual Property Corporation of Malaysia, on November 28 to 30, 2017 in Kuala Lumpur, Malaysia. The objective of the workshop was to seek collaboration of interested Offices for developing an enhanced framework of technical competencies for patent examiners based on the concepts described in document PCT/WG/10/9. The workshop further addressed the needs for a learning management system that would apply the competency framework for planning and tracking participation of individual patent examiners in learning activities and for assessing their learning success. A concept for such system based on the open source platform Moodle was presented. Participants at the workshop were experienced patent examiners and experts for the development and management of human resources. The presentations made at the workshop are available the following website at:  
[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=46012](http://www.wipo.int/meetings/en/details.jsp?meeting_id=46012).

9. The discussions at the above workshop confirmed the interest of participating Offices in a competency framework with greater detail than existing frameworks. In particular, it was noted that the competency framework should be devised such that it facilitates assessments of learning success after participation in a specific training activity, as well as overall proficiency of examiners regarding given competencies, irrespective of participation in a specific training activity.

10. At the time of writing of this document, a second Regional Workshop on Tools for Competency-Based Learning Management was being organized in cooperation with the International Intellectual Property Training Institute of the Korean Intellectual Property Office, to be held on May 9 to 11, 2018 in Daejeon, Republic of Korea. This workshop will present the progress made towards the development of a learning management system based on the open source platform Moodle. This platform will be used by WIPO's ASPAC Bureau for managing the

training of individual examiners participating in WIPO organized training activities, and can also be customized for use by interested Offices. In addition, the status of the framework of technical competencies to be used for tracking and assessing individual learning progress will be presented. The presentations made at the workshop will be made available on the WIPO website at: [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=48048](http://www.wipo.int/meetings/en/details.jsp?meeting_id=48048).

11. The International Bureau will provide an oral update on the above workshop to the present session of the Working Group. The International Bureau will also present the project for improving the efficiency of donor sponsored examiner training and the progress made towards the development of a competency framework and a learning management system in greater detail at a side event during the present session of the Working Group.

#### **REPORTING ON DEVELOPMENTS**

12. The International Bureau will report on the further progress of the development of the competency framework and the learning management system to the Working Group at its 2019 session.

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

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