

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

**Fifteenth Session**  
**Geneva, October 3 to 7, 2022**

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

*Document prepared by the International Bureau*

#### **SUMMARY**

1. This document presents a progress report regarding a concept for improving the coordination of the training of substantive patent examiners and the development of tools for the management of the training of substantive patent examiners. The document also addresses further aspects of technical assistance for examiner training that the International Bureau has become aware of since the fourteenth session of the PCT Working Group that it proposes to include in the forthcoming survey to small and medium Offices with regard to training policies, needs for technical assistance, and organization of such assistance.

#### **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 providers 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.

4. 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.

5. At the thirteenth and fourteenth sessions of the PCT Working Group in 2020 and 2021, respectively, the International Bureau presented progress reports on the development of a CF and LMS (documents PCT/WG/13/6 REV and PCT/WG/14/13). Further details were presented at a recorded side event at the fourteenth session (see [https://www.wipo.int/meetings/en/details.jsp?meeting\\_id=64588](https://www.wipo.int/meetings/en/details.jsp?meeting_id=64588)). The International Bureau indicated that it would report on further progress to the Working Group at its session in 2022.

## **PROGRESS REPORT**

6. At the fourteenth session of the Working Group, it was reported that the Intellectual Property Office of the Philippines (IPOP HL) had 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. This development has progressed further and IPOP HL will present an update at a side event of this session of Working Group (see paragraph 10, below).

7. 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 (see the set of courses “Using an LMS for Examiner Training and Performance Management”, which is freely available at <https://icblm.moodlecloud.com/course/index.php?categoryid=7> with guest access). In particular, a simple mock-up for demonstrating the use of an LMS as a platform for accessing various e-learning resources from different providing institutions was developed for facilitating discussions of the Working Group on a proposal for a repository of e-learning resources (see document PCT/WG/15/4). Details of the LMS will be presented at a side event during this session of Working Group (see paragraph 10, below).

8. 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.

9. The development of the CF is still under way, and a review of its part on patent classification is under way in collaboration with the Committee of Experts of the IPC Union ([Project CE 523](#)).

10. The International Bureau and IPOP HL will provide more detailed explanations of these developments at a side event, which will be held on Tuesday, October 4, 2022 at 1 p.m. Central European Summer Time (UTC+2).

## **ASSISTANCE FOR DEVELOPING TRAINING FRAMEWORKS AND FOR MANAGING EXAMINER TRAINING**

11. At its fourteenth session, the 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). The Working Group invited the International Bureau to conduct a survey among those Offices, taking into account the comments made during the session (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).

12. The terms small Office and medium Office may be understood as referring to the size of an Office in terms of the number of patent examiners. In the context of managing the training of those examiners, document PCT/WG/14/18 explained that small Offices would normally not have the resources to maintain their own training infrastructure, and which might not have a frequent recurrent training need for new recruits as medium Offices may have. Small Offices may also have partly differing training needs, for example, a stronger focus on work sharing. Such Offices would continue to depend on external training support by different providers.

13. As examples of medium Offices, document PCT/WG/14/18 mentioned the five ASEAN Offices of Indonesia, Malaysia, Philippines, Thailand, and Viet Nam, which have embarked on developing sustainable training infrastructures for their entry-level patent examiners with the assistance of, in particular, IP Australia and the European Patent Office. However, medium Offices may still need external support for post entry-level training, such as technology-specific training.

14. During the past year, the International Bureau has learned of further training needs, in particular, those beyond the training of entry-level examiners. One request has related to training on Artificial Intelligence (AI) in terms of examiners acquiring an understanding of the scientific concepts in a technological domain whose importance has increased since many examiners completed their academic studies, as distinct from the patentability aspects of AI. In this context, there may be further similar training demands from Offices for keeping examiners abreast with scientific foundations of emerging technologies.

15. Other training needs that the International Bureau has become aware of relate to medium-sized Offices functioning as International Searching and Preliminary Examining Authorities (ISA/IPEA) or preparing for functioning as such. If such training were managed centrally, one might better match recurrent training needs, for example, of less well-resourced ISAs by major ISAs, and assure common standards by sharing best practices.

16. It is therefore proposed to widen the focus of the previously envisaged survey, and to conduct a modified survey with respect to:

- (a) whether training policies, training management methodologies and respective infrastructures are in place;
- (b) the needs, in particular, of small (b) and medium Offices for technical assistance for developing such policies, methodologies and infrastructures;
- (c) their views on how such technical assistance for developing such policies, methodologies and infrastructures should be organized;
- (d) specific needs of Offices for training support by external providers;
- (e) their views on whether and how such technical assistance for training of examiners at entry level and post entry level should be organized in a cooperative and timely and efficient manner, and, in particular, the role of the International Bureau in such organization;
- (f) the views of potential provider Offices to assist other Offices in developing sustainable training infrastructures, or contribute to matching identified training needs with supply.

## **REPORTING ON SURVEY AND DEVELOPMENTS**

17. The International Bureau will present an evaluation of the proposed survey and report on further progress regarding the coordination of examiner training to future sessions of the Working Group.

18. *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 16, above.*

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