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TOPIC 2: IPET COMPETENCY MODEL AND LEARNING MANAGEMENT

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Background: What, Why and How

What is IPET?

- IPET means Ideal Patent Examination Training.

Why the need for IPET?

- To ensure proper training, knowledge retention, skills application and efficient use of resources.

How is it applied?

- In the context of ASEAN (ten country regional bloc in Southeast Asia), IPET is being implemented in the framework of the trade agreement called AANZFTA (ASEAN-Australia-New Zealand Free Trade Area).

Patent Examination Training in a Trade Agreement

- AANZFTA is a trade agreement that covers many areas such as trade in goods, investment, services and intellectual property.
- The chapter on IP in AANZFTA serves as a platform for member countries to engage in cooperation on IP.
- Cooperation is carried out through various capacity-building projects and information-sharing activities dealing with thematic areas such as trademarks, patents, copyright and geographical indications.
- In the area of patents, the IPET project was conceptualized in order to: (i) promote efficiency and transparency of IP administration and registration; (ii) improve examination quality and consistency through sustainable training; and (iii) address workloads and growth of applications in new technology areas.

IPET Project was designed to be carried out in three phases.


Phase 1

Capacity Building for Patent Examiners (An Ideal Training Model)



Phase 2

Development of Curriculum, Assessment Methodology and a Learning Management System (LMS)



Phase 3

Training of Trainers



IPET Phase 1: Capacity Building for Patent Examiners

Purpose:

To come up with a framework or structure for a suite of training materials and tools for a sustainable approach to training of patent examiners.

Process:

- ❑ Training needs analysis
- ❑ Brainstorming session
- ❑ Development of an ideal patent examination training model

- Training needs were identified based on a diagnostics that were carried out through a survey questionnaire covering the following areas: organizational structure; workload; patent statistics; turnaround times; office infrastructure; and training programs and modules.
- The brainstorming meeting was participatory and discussions were held in small groups.
- Information derived from the questionnaire and brainstorming session was used to prepare the IPET Model.

Outline of the IPET Model

Contains guidance on how patent examiner training should be ideally delivered.


Provides a training course structure, including subject-matter areas.

Equips new examiners with knowledge and skills so they can become independently competent.

Gives direction on assessing patent examiner competency, determining appropriate trainers, as well as selecting appropriate methods of training delivery.


Presents information for the design of curriculum and training tools.

IPET is underpinned by the competency-based approach.

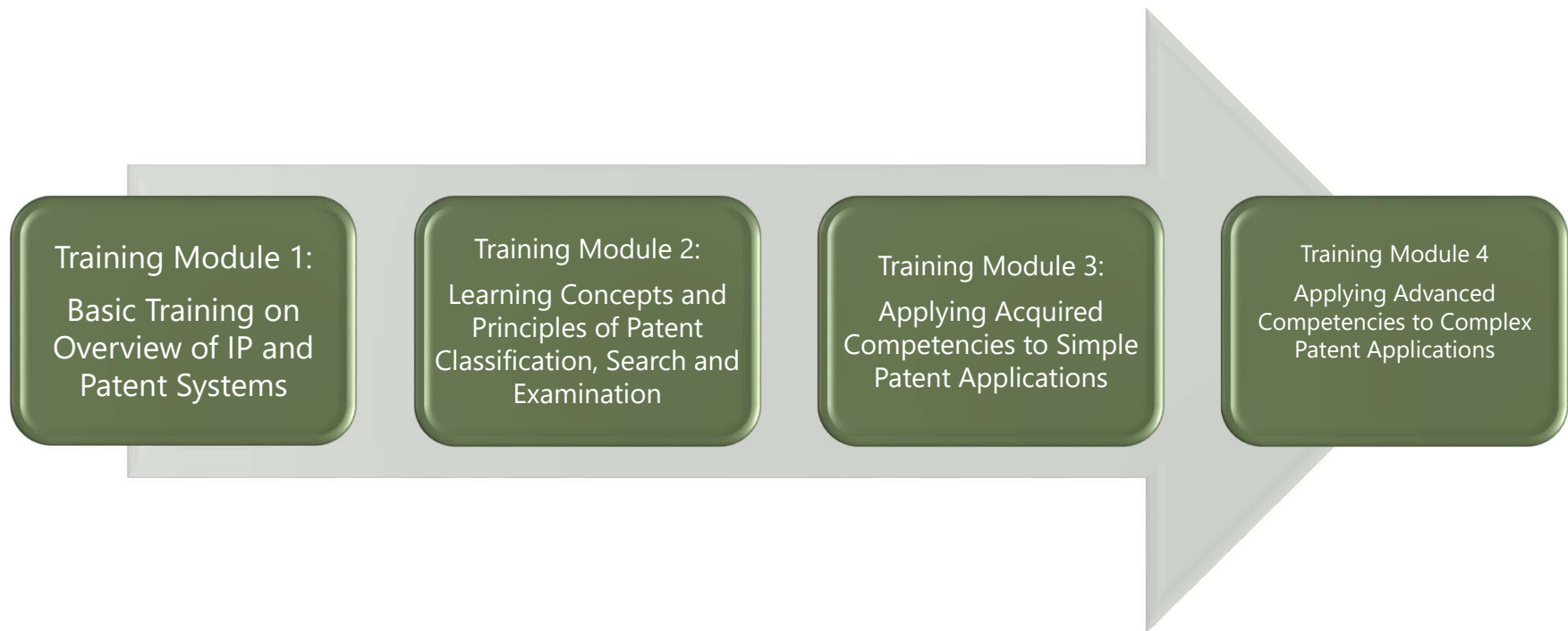
- ❑ Competency-based training emphasizes tasks that a trainee must undertake to fulfill his duties. Trainees demonstrate they are able to fulfill duties by showing that they have acquired relevant competencies to the required level.
 - ❑ Skills and performance standards are defined and training focuses on skills.
 - ❑ The competency-based approach in IPET combines both hard and soft methodologies and incorporates individualized learning objectives.
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IPET Phase 2: Development of Curriculum, Assessment Methodology and Learning Management System (LMS)

Components:

1. Creation of curriculum and training tools/materials, and modification of existing training materials.
 2. Creation of the assessment methodology and evidence guide.
 3. Development of a learning management system (LMS) to facilitate creation and storage of, as well as access to, training materials.
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IPET Curriculum is Based on Four Training Modules



Illustrative Details from Training Module 1: Knowing the IP and Patent Systems

Topic	Learning Outcomes	Mode of Delivery	Source of Training Materials
IP Laws, Treaties and Conventions Administered by WIPO	Know the role and function of WIPO and the IP Laws, Treaties and Conventions it administers	Classroom based and Online	Adapt from: WIPO Academy – Distance Learning Program – DL101E General Course on Intellectual Property
Socio-economic Dimensions of a Patent System	Know the economic benefits derived from the Patent System and the social impact of the Patent System on different types of inventions.	Classroom based and Online	Developed by IP Office
The National IP Office, Its Mandate, Organizational Structure, and Strategic Goals	Know the Mandate, Organizational Structure and Strategic Goals of the relevant National IP Office.	Classroom based and Online	Developed by IP Office
Job Description and Competencies of a Patent Examiner	To know the role of a Patent Examiner within the relevant National Patent Office and the Competencies required of an Examiner.	Classroom based and Online	Developed by IP Office

Illustrative Details from Training Module 2: Learning Concepts and Principles of Patent Classification, Search and Examination

Topic	Learning Outcomes	Mode of Delivery	Source of Training Materials
Construction of Description	Phase A: Technical Skills 1, 2, 3	Classroom and Online	RPET Phase A, Unit 2 online resources, lesson plans and trainer presentations To be repurposed by educational consultant during the curriculum development phase of the project
Construction of Claims	Phase A: Technical Skills 4	Classroom and Online	RPET Phase A, Unit 3 online resources, lesson plans and trainer presentations
Clear and Complete Disclosure	Phase A: Technical Skills 5, 6	Classroom and Online	RPET Phase A, Unit 4 online resources, lesson plans and trainer presentations
Introduction to Report Writing	Be able to apply concepts learnt in Units 1 – 4	Classroom, Online, One-on-One mentoring	RPET Phase A, Unit 5 online resources, lesson plans and trainer presentations
Novelty (Part 1)	Phase A: Search Skills 13	Classroom and Online	RPET Phase A, Unit 6 online resources, lesson plans and trainer presentations

Illustrative Details from Training Module 3: Applying Acquired Competencies to Simple Applications

Topic	Learning Outcomes	Mode of Delivery	Access to Materials
A comparison of PCT and national rules on search and examination and understanding the similarities and differences	Be able to apply knowledge and techniques on how to integrate international examinations standards with local examination practice to assist decision making	Classroom based and online	Developed by IP Office
National patent laws, rules and practice	Be able to apply knowledge of specific provisions in national patent laws, rules and guidelines to assist decision making	Classroom based and online	Developed by IP Office
OJT 1: consolidate examination practice with simple live applications	Be able to integrate and apply international examination standards to national laws, rules, and practice in examining and making decisions on simple live applications.	One-to-One mentoring	National Patent Office Resources

Illustrative Details from Training Module 4: Applying Advanced Competencies to Complex Applications

Topic	Learning Outcomes	Mode of Delivery	Access to Materials
OJT 4.1: Applying acquired competencies to ten (10) complex live applications	Be able to examine complex live applications applying patent case law/jurisprudence, where applicable	On-the-Job , One-to-One mentoring	National Patent Office Resources
OJT 4.2: applying acquired competencies to five (5) highly complex live applications	Be able to examine highly complex live applications applying patent case law/jurisprudence, where applicable.	On-the-Job , One-to-One mentoring	National Patent Office Resources

Sample IPET Curriculum and Details of Resource Development Requirements

Training Module 1: Knowing the IP System and the Patent System

Topic	Learning Outcome	Indicative Timeframe	Notes	Online Materials-Changes or New Development	Supports for Workplace Learning	Face-to-Face Template
The National IP Office, its mandate, organizations structure and goals	Know the mandate, organizational structure and strategic goals of the relevant national IP Office	6 hours	National		Develop workplace activities	Template for face-to-face delivery

Sample IPET Curriculum and Resource Development Requirements

Training Module 2: Introduction to Concepts and Principles of Patent Classification, Search and Examination

Topic	Learning Outcome	Indicative Timeframe	Notes	Online Materials-Changes or New Development	Supports for Workplace Learning	Face-to-Face Template
Novelty	<p>Understand the concept of novelty</p> <p>Know how relevant dates affect novelty</p> <p>Understand prior art and how it affects novelty</p> <p>Understand right to priority</p>	3 hours	Based on RPET Phase A Unit 6: Plant Laminator	Add RPET weekly learning activity	Develop workplace activities that focus on novelty	Template for face-to-face delivery that is focused on novelty in national practice
Inventive Step	<p>Understand the test for inventive step</p> <p>Know the role of prior art</p> <p>Describe the relevant person skilled in the art in inventive step</p> <p>Understand problem solution approach for testing inventive step</p>	6 hours	Based on RPET Phase A Unit 9: Snake Controlling Agent	Add RPET weekly learning activity	Develop workplace activities that focus on inventive step	Template for face-to-face delivery that is focused on inventive step in national practice

Assessment Framework

- ❑ Assessment in IPET involves collecting evidence on an examiner's performance, comparing it to the standards defined by the competency units, and making a judgment about how well they match.
- ❑ Assessment is a validation process that confirms if a person is able to perform according to pre-identified standards.
- ❑ Evidence may be direct, indirect or supplementary. Evidence is information that supports an indication of competence against specifications of the relevant units of competency.
- ❑ Assessment is made by a trained assessor.

Methods of Assessment

- Observation of workplace practice
- Completion of work assignments
- Authenticated work records and report from national phase
- Verbal and written questioning related to actual work products and activities
- Case studies
- Presentations
- Supervisor reports

Eleven Units of Competency for IPET Assessment

(Units of Competency are skills or knowledge required to enable performance of tasks. They define the benchmarks against which examiners are assessed for competency.)

1. Understand IP systems and role of patent examination.
2. Construe patent specifications
3. Evaluate patent specifications
4. Assess clarity
5. Assess novelty
6. Assess inventive step
7. Classify patent applications
8. Conduct of searches
9. Produce examination reports
10. Undertake search and examination under supervision
11. Independently undertake complex searches and examinations within a national context

Training Module 1
Relates to Unit 1

Training Module 2
Relates to Units 2-9

Linkage Between Training
Modules and Units of
Competency

Training Module 3
Relates to Unit 10

Training Module 4
Relates to Unit 11

Sample Template for Specification of Competency

Unit 1: Understand intellectual property systems and the role of patent examination

Application

This unit covers the nature of Intellectual Property (IP) rights and the benefits they convey. It includes the national and international systems and offices established to provide and administer IP rights, the national and international laws, treaties and conventions which govern or impact on patent systems, and the role of patent examiners and the examination process in identifying and managing IP rights.

Prerequisite units

There are no prerequisite units.

Elements and performance criteria

ELEMENTS <i>Elements describe the essential outcomes.</i>	PERFORMANCE CRITERIA <i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1. Understand the nature and function of IP rights.	1.1 The differences between various IP Rights are understood. 1.2 The commercial implications of holding an IP Right and the consequences of examination outcomes are understood.
2. Understand the function of international and national IP offices.	2.1 The role and functions of the World Intellectual Property Organisation (WIPO) and its relevance to national IP offices are understood. 2.2 The role and functions of national IP offices are understood.
3. Understand the laws, treaties and conventions governing international and national patent systems.	3.1 The laws, treaties and conventions governing the international patent system are understood. 3.2 National patent law and practice, and the legal basis for conducting examinations are understood.
4. Understand the function and processes of patent examination and the role of patent examiners.	4.1 The processes of patent application, and the principles of patent examination are understood. 4.2 The role of patent examiners within national patent offices is understood.

Foundation skills

This section describes those language, literacy, numeracy and employability skills that are essential to performance.

Learners must be able to read and comprehend a range of detailed and sometimes complex documents including:

- patent applications
- legislation, case law and other legal documents
- relevant organizational guidelines

- international guidelines, including the Patent Cooperation Treaty and PCT International Search and Preliminary Examination Guidelines.

Other foundation skills essential to performance are explicit in the performance criteria of this unit.

Assessment requirements

Performance Evidence

Evidence that confirms skills in:

- reading and comprehension
- research and analysis
- reasoning and professional judgement
- decision making.

Knowledge Evidence

Evidence that confirms knowledge and understanding of:

- intellectual property rights
- functions and processes of international and national patent systems
- Patent Cooperation Treaty and other related treaties (such as Budapest Treaty, Doha Declaration etc.)
- relevant national legislation
- patent examination processes.

Assessment conditions

Assessment must be undertaken by a suitably trained assessor in line with the IPET assessment framework.

Candidate skills must be demonstrated working as an examiner of patents.

Evidence must be gathered over time in a range of contexts to ensure the candidate can achieve the unit outcomes and apply the competency in different situations. Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to:

- Observation of workplace practice
- Completion of work assignments as a patent examiner
- Authenticated work records and reports
- Verbal and written questioning
- Case studies
- Assignments
- Presentations
- Supervisor reports

While work at this level will generally be completed under close guidance, some assessment tasks may be required to be completed independently to confirm the candidate's level of underpinning knowledge and skills.

Phase 3: Training of Trainers

- This phase has been developed through a separate but complementary program.

Thank you.

