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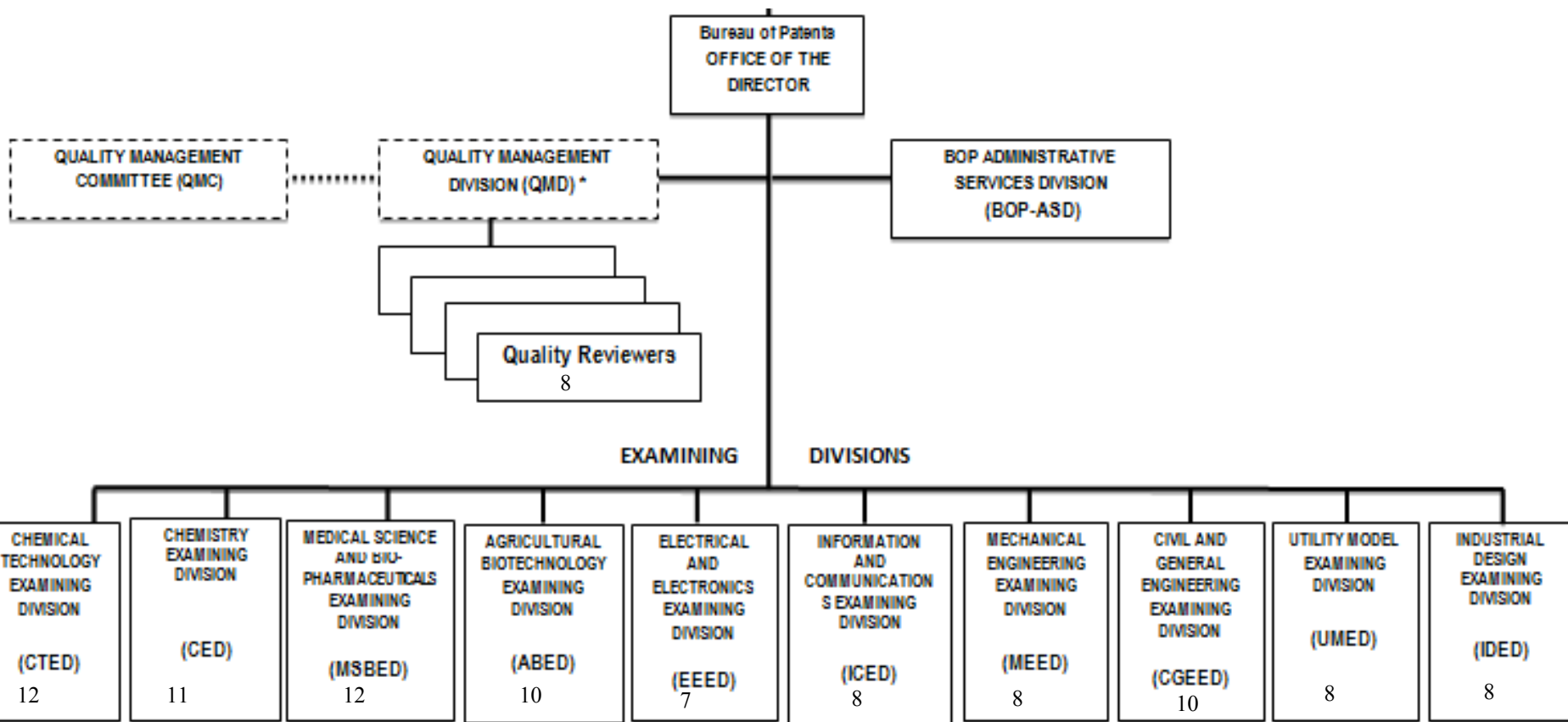
IPOPHL COMPETENCY MODEL(CM) FOR PATENT EXAMINERS

Marjorie S. De Luna
IPOPHL

BOP Organizational Structure



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IPOPHL Training Program and Capacity Building



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- **New Patent Examiner Training(NPET)**

- Consists of 3 phases
- Competency-based
- Facilitation methods guided by Adult Learning Principles

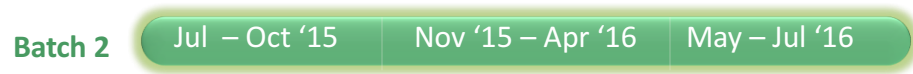
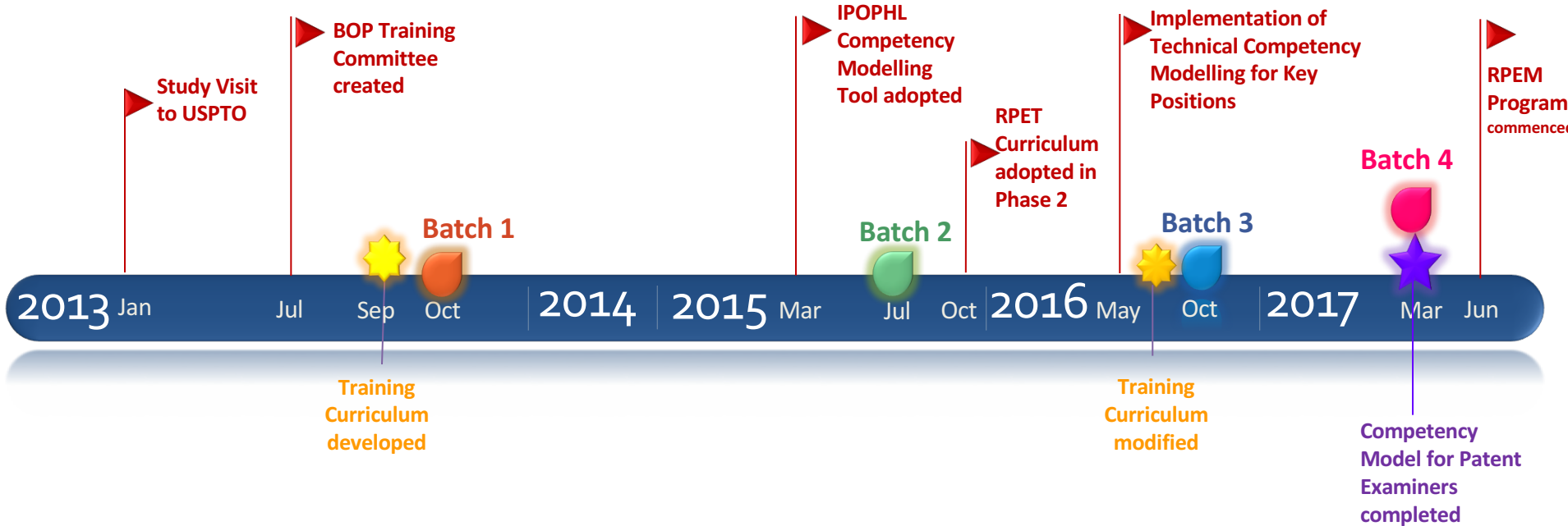
- **Continuous Training Program**

- Advanced trainings, workshops, and seminars on new and emerging technologies
- Updates on patent legislation
- Plant visits
- DOST Balik Scientist Program
- Capacity building activities in partnership with other IP Offices (EPO, USPTO, JPO, IPAu, WIPO)

NPET Program



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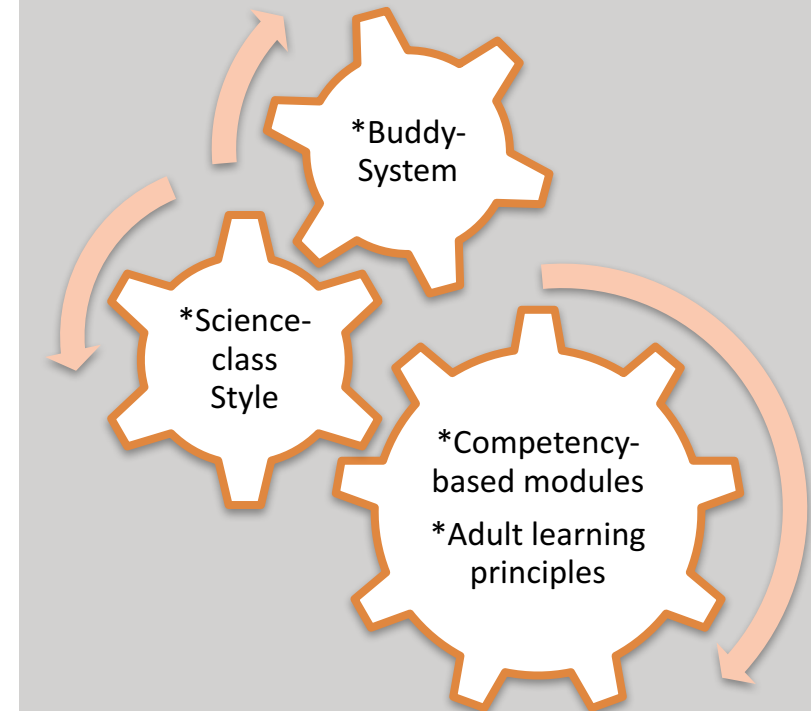


NPET Program 2013-2014



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Key Features



NPET Program 2013-2014



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Teach Me

New Patent Examiners Training Program

WEEK 1

- IOPHL Tour
- Opening Ceremony
- Overview
- Human Resource Matters
- Overview of Intellectual Property (IP) System
 - Patent System in the Philippines
 - Examiners Role in the Patent System
 - Types of Applications

WEEK 2

- Understanding the Interplay Between IP and Trade
 - IPAS Introduction
 - Examination Process Flow
 - Flexibilities in the IP System
 - IP Code
 - IRR
 - MSEP
 - MSEP Familiarization Quizzes
 - PCT—Introduction
- Formality Examination of PCT Applications
- Basic Requirements for Filing Invention
 - File Wrapper Management
- Formality Examination of Direct Route Applications

WEEK 3

- Understanding Sec. 21—Part I
- Understanding Sec. 21—Part II
- Understanding Sec. 22
- Understanding Sec. 22.3
- Understanding Sec. 31
- Understanding Sec. 35
 - Enabling Disclosure
 - Group Discussion
 - Weekly Exam

WEEK 4

- Search (I) : S
- Search (II) : P
- Search (III) : S
- Search (IV) : S
- Presentation of C

WEEK 5

- Claim Interpretation
- Claim Interpretation
- Claim Interpretation
 - Publication
 - Group Discussion
- Presentation of C

WEEK 6

- Double Patenting
- Double Patenting
 - IPAS
- Search Lab (I)
- Presentation of C

WEEK 7

- Prior Art
- Prior Art
- Unity of Invention
- Unity of Invention
 - Case Report

WEEK 8

- Understanding Sec. 21
- Case Report

WEEKS 9-12

- Understanding Sec. 21
- Case Report



NEW PATENT EXAMINERS TRAINING PROGRAM

Teach me. Show me. Let me do it.

New Patent Examiners are provided an intensive training course in order to equip them the necessary competencies, skills and proper perspective before working on their respective examining divisions. Specifically, this course is an in-depth study of PH statutes and rules covering various coursework and practical exercises focused on patent examination practices and procedures to be observed by examiners as they apply to the examination of patent applications.

Show Me

Let Me Do



IPOPHL Core Competencies



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NPET Program 2016-2017



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SALIENT FEATURES OF THE TRAINING

- Competency-based Modules
- Training Concept: Whole task Approach Supplemented by "part-task sequencing"
- Patent Examination Skills Divided into 8 Main Clusters
- Buddy System

Teach Me.



Show Me.



Let Me Do It.



New Patent Examiners Training Program PHASE I - Fundamental Concepts and Skills

WEEK 1

- IR matters
- Getting to know IPO
- IPOPHL tour
- Overview of the training
- Ground rules
- Concept of training
- IP Basics
- History and Sources of IP Protection
- Governing Laws, Courts and Agencies in the protection of IP
- Individual Task: Favorite inventor and impact of his invention in society

WEEK 2

- ITSO/IPSO Intro
- Concept and Framework of IP system
- PH IP Regime
- Basis for Rejections/Objections: IP Code, IRR and MSEF
- Role and Functions of a Patent Examiner
- PCT System
- Requirements of a PH Patent Application
- Patent Protection in PH
- Patent Examination Process

WEEK 3

- Formality Requirements to be accorded a filing date
- Checking Formality Requirements: Rectification of deficiencies
- Exploring IPAS
- Writing Formality Examination Report Exercises
- Group Task: How IP are utilized by successful companies

WEEK 4

- Basics of claims
- Analyzing an invention: described vs- vs- claimed invention
- Sufficiency of Disclosure and Enablement Requirement
- Clarity of claims and Claim Interpretation

WEEK 5

- Unity of Invention: A Priori
- Assigning IP Classification

- Understanding Sec 31: Right of Priority
- Prior Art
- Search Basics
- Exploring databases/search engines
- Exclusions & Exceptions to Patentability
- Industrial Applicability

WEEK 6

- Novelty
- Novelty Table
- Incentive Step
- Patentability Matrix
- Formulating and Completing the Search Table
- Developing an effective Search Strategy

WEEK 7

- Relevant Types of Documents
- Completing the Search Report
- Individual Task: Prepare a Search Report including Search Study on Class Case Study (Show Search table)

WEEKS 8-9

- Unity of Invention: A Posteriori
- Publication of Patent Applications
- Writing Opinion on Patentability
- Time Limits, Preferential Examination
- Dependent (in depth)
- Individual Task on Newly Filed Direct Foreign App:
 - Submit:
 - a) Search Report including Search Table, Search Strategy & Patentability Matrix
 - b) Written Opinion on Patentability

WEEKS 10-11

- Substantive Examination: First Stage
- Examining Amendments
- Writing Substantive Examination Reports
- Individual Task on assigned PCT application:
 - Submit: Search Report including Search Table, Search Strategy & Patentability Matrix
 - Issue a Substantive Examination (FADM) on IPAS

WEEK 12

- Re-examining Applications
 - Considering applicant's response
 - Handling Divisional Applications
 - Final Stages of Examination
- Individual Task on re-assigned Divisional application:
 - Submit: Search Report including Search Table, Search Strategy & Patentability Matrix
 - Issue a Substantive Examination (FADM) on IPAS

WEEK 13

- Re-examining Applications
 - How to read and understand case laws
 - Handling Conferences with Examiner
- Individual Task on re-assigned Backlog application:
 - Submit: Search Report including Search Table, Search Strategy & Patentability Matrix
 - Issue a Subsequent Substantive Examination on IPAS

WEEK 14

- Patent Eligibility of:
 - Computer Related inventions
 - Biotechnology inventions
 - QUAMA applications
- Individual Task on assigned Direct Local application:
 - Submit: Search Report including Search Table, Search Strategy & Patentability Matrix
 - Issue a Substantive Examination (FADM) on IPAS

WEEK 15

- Utility Model
- Design
- Trademarks
- Copyright
- Trade Secrets
- Plant Variety
- TRIPS
- Infringement
- Best Practices in Patent Examination

WEEK 16

- FINAL ASSESSMENT



NPET Program 2015-2016



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Teach Me



Show Me



Let Me Do It



New Patent Examiners Training Program PHASE II - Technology Specific Training

WEEK 1

- Recognition of Prior Learning
- Introduction to Module
- Construction of Claims
- Clear and Complete Disclosure (Full Support)

WEEK 2

- Clarity
- Claim Structure
- Categories of Claims
- Special Terms and Phrases: For Use / When Used / Method
- How to Treat Typo Errors
- Comprising / Consisting

- Novelty
- What is Novelty
- Section 23 of RA 8293
- Relevant Dates
- Prior Art
- Novelty Table
- QUAMA

- Unity of Invention
- Special Technical Feature
- A Priori and A Posteriori
- Raising Lack of Unity

WEEK 3

- Inventive Step
- What is Inventive Step
- Section 25 of RA 8293
- PSA
- Obviousness and Problem Solution Approach
- Single Disclosure
- Combined Disclosure (Mosaic)
- Industrial Applicability

WEEK 4

- Assessment

WEEK 5

- Overview of Searching
- 3 Person Team

WEEK 6

- Developing a Search Strategy
- Recording Search Strategy
- Participate in a 3 Person Team
- Evaluation of Search Results

WEEK 7

- Case Study: Search Assignment

WEEK 8

- Assessment

WEEK 9

- Introduction to Report Writing
- Introduction to FERs (Foreign Examination Reports)

WEEK 10

- Amendments
- Allowability of Amendments
- Use of FERs
- Dealing with Further Report Examination

WEEK 11

- Assignment

WEEK 12

- Assessment
- Introduction to QMS

WEEKS 13-20

- Assignment 1 (Case 1) — Undertake a Real Examination Task and Redraft Report
- Assignment 2 (Case 2) — Undertake a Real Examination Task and Redraft Report

- Assignment 3 (Case 3) — Undertake a Real Examination Task and Redraft Report

- Assignment 4 (Case 4) — Undertake a Real Examination Task and Redraft Report

- Assignment 5 (Case 5) — Undertake a Real Examination Task and Redraft Report

- Assignment 6 (Case 6) — Undertake a Real Examination Task and Redraft Report

FINAL ASSESSMENT

PHASE III - Supplemental Training
(as needed and/or where available)



Developing the CM for Patent Examiners



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Patent
Examination is a
complex skill

Complex skills are to be taught in
small clusters

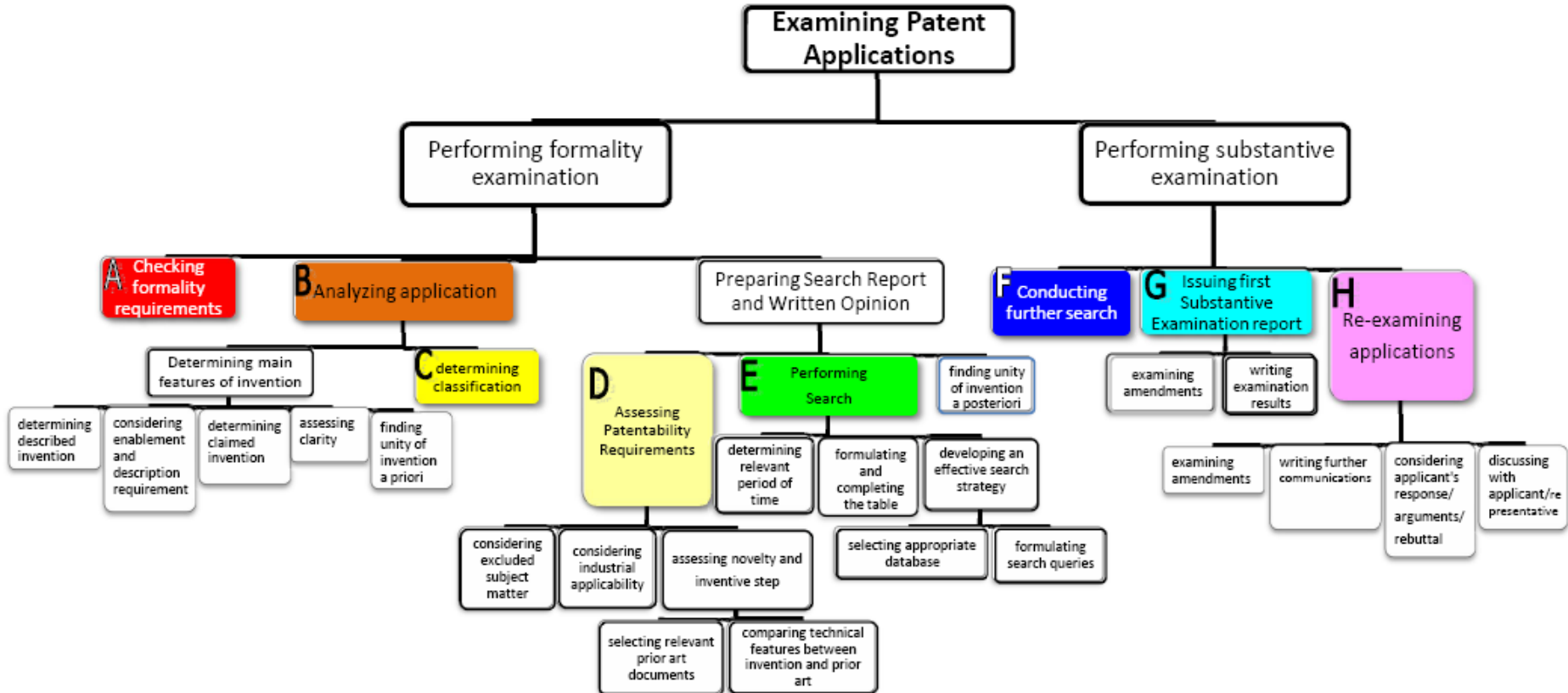
A patent examiner should possess
the KSA required in examining a
patent application

Assessment tool is
needed to monitor
competencies

Competency-based
learning and
development ensures
long-term perspective

CM should
capture the competencies needed
in patent examination

Developing the CM for Patent Examiners



Developing the CM for Patent Examiners



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Patent Examination –Is the application and integration of scientific and technical knowledge to legal skills to make appropriate decisions. It includes searching and researching skills. It also involves communicating decisions through writing in a clear, concise and coherent manner using correct English grammar, punctuation and spelling.

Clusters of Patent Examination Skills:

- **Checking of formality requirements** - Demonstration of the knowledge on the requirements, policies and procedure relevant to the examination as to formalities of patent applications
- **Patent application analysis**– Identification of the problem underlying the invention, the inventive concept leading to its solution, the features essential to the solution as found in the claims and the results and effects obtained by performing critical analysis of the claims in light of the description and drawings
- **Patent classification** – Identification of the technical field of the claimed invention and demonstration of knowledge on the IPC system
- **Assessing Patentability Requirements** –Exercise of judgment and decision pertaining to the claimed invention whether it satisfies patentability requirements through the application and integration of scientific and technical knowledge to legal skills
- **Patent search** – Exercise of judgment in the formulation and identification of appropriate strategies in conducting research and search for the state of the art relevant in determining the patentability of the claimed invention
- **Conducting Further Search** – Demonstrate decision making when an additional search may become necessary
- **Issuance of First Substantive Examination Report** – Communicate decisions through writing in a clear, concise and coherent manner using correct English grammar, punctuation and spelling
- **Re-examination of patent applications**– Exercise of judgment and decision making whether amendments are allowable

Developing the CM for Patent Examiners



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- **Issuance of First Substantive Examination Report – Communicate decisions through writing in a clear, concise and coherent manner using correct English grammar, punctuation and spelling**
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Technical Skills	BASIC	INTERMEDIATE	ADVANCED	EXPERT
1. Checking of formality requirements	<ul style="list-style-type: none"> <input type="checkbox"/> Under close supervision, identifies the deficiencies of the patent application and substantiates any relevant objections 	<ul style="list-style-type: none"> <input type="checkbox"/> With minimum supervision, identifies the deficiencies of the patent documents and substantiates any relevant objections 	<ul style="list-style-type: none"> <input type="checkbox"/> Consistently and independently identifies the deficiencies of the patent application and substantiates any relevant objections 	<ul style="list-style-type: none"> <input type="checkbox"/> Reviews existing rules, policies and procedures and recommends modifications to address deficiencies
2. Determining the invention	<ul style="list-style-type: none"> <input type="checkbox"/> Independently understands and interprets technical materials, including charts, graphs, diagrams, tables and other scientific data <input type="checkbox"/> Under close supervision, identifies the technical field, problems of the prior art, solution provided by the invention and best mode of operation <input type="checkbox"/> Under close supervision, determines the described and claimed inventions in generic examples 	<ul style="list-style-type: none"> <input type="checkbox"/> Independently understands and interprets moderately complex technical materials, including charts, graphs, tables and other scientific data <input type="checkbox"/> With the support from supervisors, construes descriptions in more complex and technology-specific examples <input type="checkbox"/> With minimum supervision, identifies the technical field, problems of the prior art, solution provided by the invention and best mode of operation in more complex and technology-specific examples 	<ul style="list-style-type: none"> <input type="checkbox"/> Independently understands and interprets highly complex technical materials, including charts, graphs, tables and other scientific data <input type="checkbox"/> Consistently and independently makes accurate determinations whether increasingly complex descriptions disclose the invention, and is able to substantiate any relevant objections <input type="checkbox"/> Determines the described and claimed inventions in highly complex cases 	<ul style="list-style-type: none"> <input type="checkbox"/> Provides venue for discussion on emerging technical documents to eliminate ambiguities and conflicts within specification <input type="checkbox"/> Performs final evaluation whether the invention has been determined correctly and recommends revisions where necessary and appropriate <input type="checkbox"/> Provides coaching to staff when providing substantiated relevant objections
3. Considering clear and complete disclosure and full support of claims	<ul style="list-style-type: none"> <input type="checkbox"/> Under close supervision, demonstrates effective practical application of Sec 36.1 and 35.1 when analyzing real cases <input type="checkbox"/> Under close supervision, construes descriptions in simple and technology-specific examples (including identifying the field, problems of the prior art, solution to 	<ul style="list-style-type: none"> <input type="checkbox"/> Guided by the supervisor, demonstrates thorough understanding and application of Secs 35.1 and 36.1 when analyzing complex real cases <input type="checkbox"/> With support from supervisors, determines whether increasingly complex descriptions disclose their inventions, and justifies any 	<ul style="list-style-type: none"> <input type="checkbox"/> Consistently and accurately assesses whether the invention is disclosed in manner that a person skilled in the art could carry out without undue burden <input type="checkbox"/> Consistently and accurately assesses the clarity of both described and claimed inventions, including its description, and 	<ul style="list-style-type: none"> <input type="checkbox"/> Evaluates whether the assessment of staffs is correct and provides constructive criticisms when necessary <input type="checkbox"/> Could highlight all ambiguities in the claims in light of the description and state of the art

IPOPHL moving forward



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Upgrade Training Program and Capacity Building

- Development of whole new training package through RPEM project
- Refinement of Competency Assessment Tools
- Development of ISA/IPEA Competencies



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and Innovative Philippines*

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