

C. PCT 1529

February 1, 2018

Madam,
Sir,

1. This Circular, which concerns the training of substantive patent examiners, is addressed to your Office in its capacity as a receiving Office, International Searching Authority, International Preliminary Examining Authority and/or designated/elected Office under the Patent Cooperation Treaty (PCT). It is also being sent, for information only, to certain organizations that are invited to attend sessions of the PCT Working Group as observers.

BACKGROUND

2. At its eighth session, the PCT Working Group discussed a proposal prepared by the International Bureau (see document PCT/WG/8/7) for better coordination of patent examiner training between national Offices, taking into account questions of effective long term planning, sharing of experiences in delivering effective training, and matching needs for examiner training with Offices able to supply the respective training. The Working Group expressed strong support for the International Bureau to increase its role in coordinating patent examiner training between Offices, and requested the International Bureau to issue, as a first step, a Circular requesting information from Offices on examiner training activities carried out by Offices for the benefit of other Offices, notably from developing countries. This would better inform the next phase of discussions on how the International Bureau could act as a coordinating body to most useful effect.

3. At its ninth session, the PCT Working Group discussed a document prepared by the International Bureau (see document PCT/WG/9/18) which presented the responses submitted by Offices in reply to the Circular C. PCT 1464 that had been sent to Offices regarding training of substantive patent examiners and which set out suggestions for possible follow-up actions. The Working Group agreed that the International Bureau should

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proceed with the suggestions set out in paragraphs 45, 47, 48, 52, 60 and 65 of document PCT/WG/9/18, taking into account comments made by delegations during the discussions (see paragraph 169 of document PCT/WG/9/28).

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

FOLLOW UP ACTIONS AGREED BY THE WORKING GROUP

ANNUAL REPORTING ON TRAINING ACTIVITIES

5. The Working Group at its ninth session agreed that 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 (as had been proposed in paragraph 45 of document PCT/WG/9/18). The International Bureau would then make a compendium of such training activities available on its website.

6. Accordingly, Offices which in 2017 have provided training in substantive patent examination for the benefit of examiners from other Offices or which have contributed to the provision of such training activities (for example, by making available experts or other resources) where such activity was organized by another Office, the World Intellectual Property Organization (WIPO) and/or other organizations “donor Offices” are hereby invited to report on such training activities carried out in 2017 by filling in tables A1, A2, A3, A4 and/or A5, as appropriate, set out in Part A of the Annex attached to this Circular.

7. Accordingly, Offices whose examiners in 2017 have received training in substantive patent examination organized by other Offices, WIPO and/or other organizations “beneficiary Offices” are invited to report on such training activities by filling in tables B1, B2, B3, B4 and/or B5, as appropriate, set out in Part B of the Annex attached to this Circular.

INCREASED TRAINING OPPORTUNITIES OFFERED BY DONOR OFFICES

8. The Working Group at its ninth session agreed that the International Bureau should invite Offices able to provide training for substantive examiners of other Offices (as had been proposed in paragraph 47 of document PCT/WG/9/18):

“(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.”

9. Accordingly, all donor Offices are hereby invited to inform the International Bureau whether they will be in a position to provide more training activities of the type referred to in paragraph 8(a), (b) and/or (c), above, in 2018 or later, by filling in Textbox I set out at the end of Part A of the Annex attached to this Circular. The International Bureau will compile any information received in response to this invitation for information of the PCT Working Group at its 2018 session.

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SETTING UP OR EXPANDING EXISTING FUND-IN-TRUST ARRANGEMENTS BY MEMBER STATES

10. The Working Group at its ninth session agreed that 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 (as had been proposed in paragraph 48 of document PCT/WG/9/18).

11. Accordingly, Offices of Member States able to fund training activities are hereby invited to inform the International Bureau whether they will be in a position to set 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, in 2018 or later, by filling in Textbox II set out at the end of Part A of the Annex attached to this Circular. Offices not competent to handle matters related to Fund-in-Trust arrangements on behalf of their government are invited to coordinate their reply with the government authority competent to handle such matters. The International Bureau will compile any information received in response to this invitation for information of the PCT Working Group at its 2018 session.

SELF-STUDY MATERIAL AND COURSES

12. The Working Group at its ninth session agreed that the International Bureau should invite Offices that are offering self-study material and courses relevant for the training of substantive patent examiners to inform the International Bureau of any such offers and contents, with a view towards preparing a compilation of such material and courses (as had been proposed in paragraph 52 of document PCT/WG/9/18).

13. A Compilation of E-learning Resources for Patent Examiners prepared by the International Bureau was presented at the tenth session (see document PCT/WG/10/PRESENTATION/E-LEARNING at <http://www.goo.gl/4MKcWL>). In order to improve this Compilation further, all Offices that are offering self-study material and courses relevant for the training of substantive patent examiners are hereby invited to review the Compilation and inform the International Bureau of additional material by filling in Table A6 set out in Part A of the Annex attached to this Circular and indicate, below that table in the Annex, any observations on the Compilation.

14. All Offices utilizing e-learning resources are invited to report such resources by filling in Table B6 set out in Part B of the Annex attached to this Circular and indicate, below that table in the Annex, any observations on the Compilation.

CURRICULA AND/OR COMPETENCY MODELS

15. The Working Group at its ninth session agreed that the International Bureau should invite Offices to share with the International Bureau any curricula and/or competency models that they have developed for the training of their substantive patent examiners, with a view towards preparing 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 (as had been proposed in paragraph 60 of document PCT/WG/9/18).

16. Accordingly, all Offices are hereby invited to share with the International Bureau any such curricula and/or competency models by filling in Textbox III set out in part C of the Annex attached to this Circular and attaching such curricula and/or competency models to

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their replies to this Circular, or alternatively indicate in Textbox III a contact for retrieving such curricula and/or competency models.

17. In order to facilitate the sharing of best practices, Offices are further invited to share any other documentation related to the Office's managing of patent examiner training, such as documents or presentations describing the training concept, methodologies for assessing prior learning and success of learning, guidelines or workbooks for trainees, coaches or assessors, etc.

RESPONSES TO CIRCULAR

./ 18. Replies to this Circular (preferably by returning an electronic copy of the filled-in Annex attached to this Circular; an electronic copy of the Annex is available from the WIPO web site at <http://www.wipo.int/pct/en/circulars>) should be returned by March 2, 2018, preferably by e-mail, to Mr. Ken-Ichiro Natsume, Director, PCT International Cooperation Division (e-mail: pcticd@wipo.int; fax: +41-22-338 7160). For clarifications, please contact Mr. Lutz Mailänder, Head, International Cooperation on Examination and Training Section (e-mail: lutz.mailander@wipo.int).

19. Responses received prior to the above deadline will be taken into account in the preparation by the International Bureau of a working document on the issue of training for substantive patent examiners for discussion at the eleventh session of the Working Group, scheduled to take place from June 18 to 22, 2018.

Yours sincerely,



John Sandage
Deputy Director General

Enclosure: Annex