

C. PCT 1559

February 22, 2019

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 (RO), International Searching Authority (ISA), International Preliminary Examining Authority (IPEA) and/or designated/elected Office (DO/EO) 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 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).

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4. At its eleventh session, the PCT Working Group discussed a document (see document PCT/WG/11/16) which presented the responses submitted by Offices in reply to the Circular (C. PCT 1529) 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 2018 and prospects for 2019.

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 2018 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, WIPO and/or other organizations (“donor Offices”) are hereby invited to report on such training activities carried out in 2018 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 2018 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 2019 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 2019 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 2019 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 2019 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 eleventh session (see document PCT/WG/11/PRESENTATION/E-LEARNING at https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=408757). 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 their replies to this Circular, or alternatively indicate in Textbox III a contact for retrieving such curricula and/or competency models.

C. PCT 1559

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 <https://www.wipo.int/pct/en/circulars>) should be returned by March 15, 2019, preferably by e-mail, to Mr. Kenichiro Natsume, Director, PCT International Cooperation Division (e-mail: pcticd@wipo.int). 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 twelfth session of the Working Group, scheduled to take place from June 11 to 14, 2019.

Yours sincerely,



John Sandage
Deputy Director General

Enclosure: Annex

Responding Office:

Name of contact person:

Position:

Email address:

Part A: TRAINING PROVIDED TO SUBSTANTIVE PATENT EXAMINERS OF OTHER OFFICES IN 2018

Tables A1 to A5 are only to be filled by Offices (“donor Offices”) which, in 2018, 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, WIPO and/or other organizations.

Table A1 - Medium to Long-term Comprehensive Training Programs¹ in 2018: Please indicate in the Table below any medium to long-term comprehensive training programs organized or co-organized by your Office in 2018 or to which your Office has contributed (by making available experts or other resources). If a certain program was repeated, please indicate each individual in-take of examiners.

Starting date	Date of (expected) completion	Name of program	Beneficiary Office(s) (Number of their examiners included in program)	Organizing, co-organizing or contributing institution(s) other than your Office (if any)

¹ A medium to long-term comprehensive training program consists of a combination of several consecutive, distinct training units that are meant to transfer knowledge and to develop a set of skills of a patent examiner over an extended period of time. The combination of distinct units may comprise traditional face-to-face classroom-type training, distance learning modules, webinars, virtual lectures, study visits or on-the-job training, i.e. a training approach that is frequently termed blended learning. The RPET program of the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) is an example of such a medium to long-term training comprehensive program: <https://www.ipaustralia.gov.au/about-us/global-engagement/regional-patent-examination-training>. A regular class-room type workshop that simply extends over 2 weeks or more does not qualify for this category of training activity.

Table A2 - On-the-job Training² in 2018: Please indicate in the Table below any on-the-job patent examiner training activities organized or co-organized by your Office in 2018 or to which your Office has contributed (by making available experts or other resources), and which have been conducted face-to-face either in the premises of your Office or in the premises of a beneficiary Office, or which included remote one-to-one mentoring (other than any activities related to medium to long-term comprehensive training programs covered in Table A1, above, which may include OJT as one of several combined training units).

For any training activity that has received at least partial funding through a Funds-in-Trust agreement with WIPO, please indicate so in the column 'Topic'.

Year/month	Venue (indicate 'remote' if applicable)	Duration	Topic	Beneficiary Office(s) (Number of its examiners included in activity)

² On-the-job training is characterized in that examiners perform, under the supervision of an experienced examiner (one-to-one mentoring), certain tasks that are part of the substantive examination of pending (life) applications. Training including only case studies (for example formerly pending cases or derivatives thereof) is not covered by this question.

Table A3 - In-house Training Accommodating Guest Trainees in 2018: Please indicate in the Table below any in-house patent examiner training activities organized primarily for examiners of your Office in 2018 in which substantive patent examiners from other Offices were accommodated as guest trainees (other than any activities related to medium to long-term comprehensive training programs covered in Table A1, above, which may include OJT as one of several combined training units).

Year/month	Topic	Beneficiary Office(s) (Number of its examiners included in training)

Table A4 - Classroom-type Training³ in 2018: Please indicate in the Table below any classroom type training activities that were organized primarily for the benefit of substantive patent examiners from other Offices and which your Office has organized, co-organized in 2018 or to which it has contributed, either in the premises of your Office or in other locations (other than any activities related to medium to long-term comprehensive training programs covered in Table A1, above).

Year/month	Venue	Duration	Topic	Beneficiary Office(s) (Number of its examiners included in training)

³ For the purpose of this survey, a classroom type training event is conducted face-to-face and requires the physical presence of trainers and trainees, such as workshops or seminars. It comprises a set of lectures on related topics, and may further include exercises or case studies. Examples would include workshops or seminars on patent classification, on patent drafting, search strategies, foundations of the IP system etc. Training events establishing a virtual classroom like online seminars (webinars) are not covered by this table, see table A5.

Table A5 - Online Seminars in 2018: Please indicate in the Table below any training activities that were organized as online (web-based) seminars (webinars) primarily for the benefit of substantive patent examiners of other Offices and which your Office has organized, co-organized or to which it has contributed (other than any activities related to medium to long-term comprehensive training programs covered in Table A1, above).

Year/month	Duration	Topic	Beneficiary Office(s) (Number of its examiners included in training)

Table A6 - Shared Training Materials and Media: Please indicate in the Table below any training materials or media⁴ that your Office has developed and that has or can be used for self-study by substantive patent examiners, such as distance learning courses, recorded webinars or case studies which are available to patent examiners of other Offices (either publicly or not), or could be made available (if necessary, by way of a translation). The International Bureau may include materials accessible online in the Compilation of E-learning Resources for Patent Examiners⁵.

Type (distance learning course, webinar, etc.) and topic	URL if accessible online

Please indicate a contact person and contact details for obtaining further information:

[Click here to enter text.](#)

If your Office had reported such materials in reply to earlier Circulars, please review if they were properly included in the Compilation of E-learning Resources for Patent Examiners⁵ and indicate below any observations you may have:

[Click here to enter text.](#)

⁴ For example, distance learning courses, recorded webinars, exercises or case studies used in workshops/seminars, etc.

⁵ An updated version of the Compilation of E-learning Resources for Patent Examiners presented at the 11th session of the PCT WG is available here: https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=408757

Textbox I – Increased Training Opportunities Offered by Donor Offices

Textbox I should be filled in by all donor Offices 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) of the main body of the Circular, in 2019 or later. The International Bureau will compile any information received in response to this invitation for information of the PCT Working Group at its 2019 session (see paragraph 9 of the main body of the Circular).

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Textbox II – Setting Up or Expanding Existing Fund-in-Trust Arrangements by Donor Offices

Textbox II should be filled in by all Offices of Member States which are able to fund training activities 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 2019 or later. The International Bureau will compile any information received in response to this invitation for information of the PCT Working Group at its 2019 session (see paragraph 11 of the main body of the Circular).

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Part B: SUBSTANTIVE PATENT EXAMINER TRAINING RECEIVED BY EXAMINERS OF YOUR OFFICE AND PROVIDED BY OTHER OFFICES IN 2018

Tables B1 to B5 are only to be filled in by Offices whose examiners, in 2018, have received training in substantive patent examination organized by other Offices, WIPO and/or other organizations (“beneficiary Offices”).

The replies should cover all relevant activities carried out in 2018, including those that have started in 2018 and will be completed later.

Table B1 - Medium to Long-term Comprehensive Training Programs⁶ in 2018: Please indicate in the Table below any medium to long-term comprehensive training programs in which examiners of your Office have participated as trainees in 2018. If a certain program was repeated, please indicate each individual in-take of examiners.

Starting date	Date of (expected) completion	Organizing Office	Name of program	Number of examiners from your Office having participated

⁶ A medium to long-term comprehensive training program consists of a combination of several consecutive, distinct training units that are meant to transfer knowledge and to develop a set of skills of a patent examiner over an extended period of time. The combined distinct units may comprise traditional face-to-face classroom-type training, distance learning modules, webinars, virtual lectures, study visits or on-the-job training, i.e. a training approach that is frequently termed blended learning. The RPET program of the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) is an example of such a medium to long-term training comprehensive program: <https://www.ipaustralia.gov.au/about-us/global-engagement/regional-patent-examination-training> . A regular class-room type workshop that simply extends over 2 weeks does not qualify for this category of training activity.

Table B2 - On-the-job Training⁷: Please indicate in the Table below any on-the-job training which examiners of your Office have received in 2018 and which was organized by another Office or WIPO and which has been held face-to-face either in the premises of your Office or other Offices, or which has included remote one-to-one mentoring (other than on-the-job training or one-to-one mentoring related to medium to long-term comprehensive training programs covered in Table B1, above).

Year/month	Venue (indicate 'remote' if applicable)	Duration	Topic	Number of your examiners participating in training activity

⁷ On-the-job training is characterized in that examiners perform, under the supervision of an experienced examiner (one-to-one mentoring), certain tasks that are part of the substantive examination of pending (life) applications. Training including only case studies (for example formerly pending cases or derivatives thereof) is not covered by this question.

Table B3 - Offshore Training: Please indicate in the Table below any patent examiner training activities in 2018 that **required travel** of your examiners (other than activities related to medium to long-term comprehensive training programs, or on-the-job training covered in Tables B1 and B2, above).

Year/month	Venue	Organizing Office	Topic	Number of examiners from your Office

Table B4 - Domestic⁸ Training with External Assistance: Please indicate in the Table below any domestic training activities for patent examiners of your Office in 2018 that your Offices organized in collaboration with other patent Offices or WIPO or in which experts from other Offices or WIPO participated (including such in which examiners from other Offices participated) (other than activities related to medium to long-term comprehensive training programs or on-the-job training covered in Tables B1 and B2, above); domestic training activities without external assistance should not be listed.

Year/month	Assisting/collaborating Office(s)	Topic	Number of examiners from your Office, from other Offices

⁸ Irrespective of whether examiners from other Offices participated as trainees as well. The only difference between classroom-type events covered by Table B3 and the present Table is the location where the event was organized. The distinction is made because an event held in the premises of a hosting Office would permit participation of a greater number of examiners of the hosting Office and may potentially yield a stronger effect on the examination capacities of the hosting Office.

Table B5 - Distance Learning: Please indicate in the Table below any distance learning courses (for example, such of the WIPO Academy), or (live or recorded) online seminars (webinars)(for example, WIPO's PATENTSCOPE webinars), or similar virtual classroom training events offered by other patent Offices, WIPO or other institutions, that are either mandatory for examiners of your Office to take or that you recommend to examiners of your Office (other than activities related to medium to long-term comprehensive training programs covered in Tables B1, above). A Compilation of E-learning Resources for Patent Examiners⁹ had been prepared by the International Bureau for discussion at the 11th session of the PCT WG.

Provider	Type (webinar or self-study course) and topic	Mandatory/Recommended

Please indicate any observations on the Compilation of E-learning Resources for Patent Examiners:

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⁹ An updated version of the Compilation of E-learning Resources for Patent Examiners presented at the 11th session of the PCT WG is available here: https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=408757

Part C:

Textbox III - CURRICULA¹⁰, COMPETENCY MODELS¹¹ AND/OR OTHER TRAINING RELATED DOCUMENTATION

Textbox III should be filled in by all Offices that have developed any curricula, competency models and/or other documentation¹² for managing the training of their substantive patent examiners and are willing to share such materials. Such Offices are invited to attach such curricula, competency models and/or other documentation to their replies to this Circular, or alternatively indicate in Textbox III a contact for retrieving such curricula and/or competency models (see paragraphs 15 and 17 of the main body of the Circular).

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¹⁰ A training curriculum (for example, for newly recruited future examiners) consists of a set of individual training modules (seminars, workshops, webinars, distance learning courses, materials for self-study, etc.) on topics considered to be relevant for a substantive patent examiner. A training curriculum may be based on an explicit competency model and different training modules would then be designed to convey respective knowledge and train certain skills defined by the competency model. A training curriculum may draw on both internal and external training resources.

¹¹ A competency model consists of an inventory of knowledge and skills required for a substantive patent examiner to efficiently deliver the performance defined by her/his job description.

¹² Other documentation related to managing examiner training may be documents describing an Office's training concept, assessment methodology, guidelines for trainees, coaches or assessors, etc., which would facilitate the sharing of best practices in learning management. Such documentation would not include materials which include concrete learning content and are suitable for self-study purposes (which are covered by Table A6 above).