

## Case Study of the Regional Patent Examination Training Program (RPET): Philippine Experience

AANZFTA Support Unit

May 2017

### Project Snapshot

Budget: AUD 1.49 million  
Duration: 2013 to 2018  
Implementer: IP Australia

### Participating Countries

Indonesia, Malaysia,  
Philippines, Thailand, and  
Viet Nam

### Target ASEAN Cohort

45 – Expected Total  
Number of ASEAN RPET  
Graduates by 2018

## AANZFTA and Intellectual Property Rights

The ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) confirms the commitment of the 12 Parties to reduce trade and investment impediments through the effective creation, utilisation, protection, and enforcement of intellectual property rights.

Intellectual property rights play an indispensable role in sustaining the growth and competitiveness of modern industries by rewarding creativity, business innovation, and investments in research and development. Patents are an integral component of an intellectual property system.

### *Patents and Innovation*

The World Intellectual Property Organization defines a patent as “an exclusive right granted for an invention.” This exclusive right allows innovators to recoup their investments in and profit from their invention by preventing others from copying and commercially using their product without the patent holder’s consent. A patent protects an invention for about 20 years from the date of the patent application.

Intellectual Property (IP) offices require the publication of a patent application permitting public access to the invention’s technical information. This public dissemination of new knowledge further accelerates innovation by enabling competitors to build on prior knowledge as they explore alternative solutions or invent around the patented invention.

### *Role of Patent Examination*

IP offices are responsible for providing search and examination reports to check the novelty, inventiveness, and industrial applicability of patent applications prior to and as a basis of granting a patent to a product. IP offices work with other government agencies responsible for enforcing patent protection and other intellectual property rights.



### Regional Patent Examination Training

The Regional Patent Examination Training (RPET) Program is a modern, comprehensive, and intensive competency-based online training program, developed based on IP Australia’s existing patent examiner training framework. RPET aims to build the capacities of participating ASEAN Intellectual Property Offices in conducting patent search and examination based on international Patent Cooperation Treaty Standards.



*Australian Ambassador to the Philippines Bill Tweddell with the 1st and 2nd RPET Intake trainees from the Intellectual Property Office of the Philippines and their Local Supervisors (January 2015).*

**Patents allow innovators to recoup their investments in and profit from their invention by preventing others from copying and commercially using their product without the patent holder's consent.**

A good quality patent examination is a key foundation of a credible patent system. It prevents new patent applicants from encroaching on someone else's patented product and clearly defines the scope of legal protection and parameters of a patent.

Program until 2018. Launched in 2013, RPET is a modern, comprehensive, and intensive competency-based online training program implemented by IP Australia and developed based on IP Australia's patent examiner training framework.



This improvement in patent examination standards, combined with better patent protection enforcement in the field, create greater business confidence to file patent

applications. This, in turn, facilitates technology transfer and the expansion of businesses to other countries.

AECSP support to RPET covers the five participating ASEAN IP Offices of Indonesia, Malaysia, Philippines, Thailand, and Viet Nam.

### ***Enhancing ASEAN Patent Examination Capacities***

ASEAN Member States have identified strengthening the capacities of their IP Offices in patent search and examination based on international Patent Cooperation Treaty (PCT) Standards as a priority area for assistance under the AANZFTA Economic Cooperation Support Program (AECSP).

In 2012, AECSP provided AUD\$1.49 million to support the Regional Patent Examination Training (RPET)

**The AANZFTA Economic Cooperation Support Program (AECSP) was established in 2010 following the entry into force of the AANZFTA. AECSP funds the Economic Cooperation Work Program (ECWP) and the AANZFTA Support Unit (ASU) in the ASEAN Secretariat.**

**The ECWP facilitates implementation of the AANZFTA across the key areas of rules of origin, sanitary and phytosanitary, Standard, Technical Regulations and Conformity Assessment Procedures, customs, services, investment, intellectual property, and competition policy.**

**RPET is supported under the Intellectual Property component of the ECWP.**

This case study aims to present a more in-depth beneficiary perspective on the outcomes of RPET focusing on the experience of the Philippines. The case study approach also seeks to tease out the key factors that enabled changes at both individual and organisational levels within the Intellectual Property Office of the Philippines (IPOP HL).

Documenting these factors could be used to reinforce good practices both from IP Australia, as the implementer of RPET, and the Philippines as an on-going participant in RPET. The findings of the case study could also be used by other ASEAN IP Offices to inform their own respective approaches in institutionalising any positive outcomes arising from their current participation in RPET.

Data from this case study report was gathered from one-on-one interviews conducted by the AANZFTA Support Unit held at the IPOP HL from 25 to 26 May 2016. Seven IPOP HL officers were interviewed, representing all five graduates from the Philippines for the first and second RPET intake and two of their local supervisors. Only one local supervisor was unavailable during the interviews.

### *Training Context Prior to RPET*

To be sure, officers from the Intellectual Property Office of the Philippines (IPOP HL) have received numerous training on substantive patent examination from partner agencies other than IP Australia.

Mr. Merito Carag, IP Rights Specialist V and a local supervisor of RPET trainees, however highlighted the following challenges from his personal experience with most externally-funded training activities:

**7** Total number of IPOP HL local supervisors involved in RPET. This group continues to provide guidance to RPET graduates and on-going trainees.

- Few officers have access to external training opportunities. When external training is available, it takes people away from the office. For organisations with limited personnel, this might negatively impact on work responsibilities and organisational targets.
- Trainees, despite positive intent, are not always able to practically apply new knowledge and approaches once they return to the workplace. This derails any chance for the training to be passed on more broadly to others or to impact organisational performance and capacity.
- Non-involvement of trainees' supervisors is a factor that could hinder trainees' practical application of new skills. While supervisors support training for their staff, they are not aware of the exact training content nor are they committed to implement any follow-up arising from the training. Consequently, when trainees want to apply their new knowledge at work, their actions could be questioned or even overruled by their supervisors.

### *Unique Features of RPET*

**RPET is a long-term program that requires part-time participation from trainees for a maximum period of two years. Trainees complete RPET at their own pace within this two years while continuing their regular work. RPET's unique characteristics include:**

- **Requires over 600 hours of course work and assignments over a two-year period**
- **Adopts distance learning using modern e-learning technology (e.g. virtual lectures, one-on-one mentoring from an IP Australia Examiner, and online communities of practice)**
- **Trainees advance based on demonstrated competency in applying new skills and knowledge in their actual work**
- **Involvement of local supervisors to support trainees' application of new skills in the workplace and to champion broader change within the institution**



## Long-term Nature of Developing Capacity

Traditional training programs often do not address the mismatch between short-term training interventions and the longer-term duration required in initially building individual capacity and improving individual work performance.

Furthermore, the short-term nature of training, especially when combined with the lack of follow-up action, prevents any meaningful impact on long-term systemic issues required to achieve sustainable organisational change.

An IPOPHL officer noted an example where even a previous one-month training program could only provide an overview of concepts related to patent examination. There was limited or no guidance on how to actually draft a patent examination report once the training ended.

RPET's one-on-one mentoring approach from IP Australia officers, combined with the 2-year duration of hands-on training, were critical factors for RPET's effectiveness and enabled the embedding of key concepts and approaches in the actual work of the trainees.

Graduates highlighted the comprehensiveness of the RPET curriculum which covered, in detail, each step of the patent examination process from construction of claims, to searching, to the writing of the examination report.

Trainees participated in on-line lectures and were given assigned practical tasks, including on actual

“The RPET trainers were more hands-on and were focused on our performance by giving us detailed explanations, options, and guidance on how to do patent examination. They constantly check on our progress, and offer assistance and guidance when required.”

- Mr. Sherwin Lagonoy,  
RPET Graduate - 2nd Intake

patent search and examination. RPET trainees were then periodically assessed by their mentors against defined skill sets and standards of practice.

Unlike other distance learning activities participated in by IPOPHL, IP Australia mentors also conducted regular one-on-one sessions to provide feedback and discuss assignments, including gathering trainees' insights and explanations on how they approached an examination task.

This two-way learning process where trainer and trainee constantly interacted and exchanged views was highlighted by RPET graduates as a key feature that facilitated learning and practical application.

## Virtual Training and Mentoring

A couple of factors made RPET's long-term mentoring approach possible. Except for a two-week trip to Australia for exposure to IP Australia's search systems and database practices, RPET was and continues to be delivered virtually through online classes and sessions. Secondly, RPET only required part-time participation from trainees. This meant that trainees were not pulled out of their work environment and that there was real opportunity for trainees to immediately apply what they had learned at work.

## Continuous Learning and Networking

IP Australia hosted online community meetings every other month where RPET graduates from participating ASEAN IP Offices, their local supervisors, or even non-RPET patent examiners could attend to listen, interact, and ask questions on contemporary patent examination issues.

The virtual nature of these meetings presented a cost-effective way to reach a wider audience. IPOPHL found the community meetings as a useful platform for continuous learning and sharing of information amongst participating ASEAN IP offices. Information shared during community meetings included

## RPET's Innovation

### Key Milestones of RPET in the Philippines

- **2013:** RPET was launched. The Intellectual Property Office of the Philippines (IPOPHL) joined RPET along with other participating ASEAN IP Offices.
- **2014:** In December 2014, the Philippines had the distinction of producing RPET's first graduate.
- **2016:** By 2016, IPOPHL had produced five RPET graduates.
- **2018:** Another five Filipino patent examiners are expected to complete the training by April 2018.

“It was also valuable for me to learn from colleagues from other countries, particularly how they conduct their examination and their process flow on examination.”

- Ms. Katherine Roque,  
RPET Graduate – 2nd Intake

important updates on changes in countries’ patent search and examination policies and practices.

IPOPHL valued these exchanges given similarities in challenges, practices, and contexts with other ASEAN IP Offices. Because of this, IPOPHL local supervisors saw high potential for new ideas, shared during the community meetings, to inform IPOPHL’s own reform efforts when applicable.

The community meetings also played a critical role in maintaining RPET graduates and IPOPHL links with IP Australia and with other participating ASEAN IP Offices.

## Benefits at the Individual Level

RPET’s innovative training approach, as described in the previous sections, addressed obstacles facing traditional training programs. This led to significant outcomes for the IPOPHL benefitting individual trainees, their local supervisors, newly hired patent examiners, and IPOPHL as an organisation.

RPET graduates summarised the following benefits they received from their participation in RPET, as corroborated by their local supervisors:

- Improved Quality of Patent Examination Reports. IPOPHL Directors and trainees’ local supervisors observed marked improvements in the quality of patent examination reports drafted by RPET graduates.

Prior to RPET, trainees acknowledged that they tended to miss a lot of details in conducting a patent examination report which could compromise the protection provided by the patent. After RPET, the graduates expressed more confidence in conducting more thorough search and patent examinations that are consistent with international best practice and PCT standards.

RPET graduates underscored that the comprehensiveness of a patent examination report could later on contribute to efficiencies in the patent application process. For instance, when the first patent examination report is

already comprehensive, succeeding reports may only require minimal additional information and requirements from business owners and patent applicants.

- Enhanced Leadership Skills. RPET graduates now act as the main trainers and mentors under IPOPHL’s in-house New Patent Examination Training (NPET) program. Their role as trainers had strengthened their leadership skills and had elevated the status of RPET graduates as role models for new hires. RPET graduates noted that new examiners were more comfortable approaching them for questions as they are from the same culture and of similar age groups.
- Strengthened Staff Role and Contributions in Organisational Reforms. RPET graduates had a hand in developing the content and curriculum for the second phase of the NPET program, inspired by the RPET approach and adapted to the IPOPHL context. In addition to this, RPET graduates assumed important roles in developing and revising IPOPHL’s own patent examination and search quality procedures in line with PCT practices learned from RPET.

“I saw my skills drastically improve specifically in providing assessment and how to search prior art in the most effective way. RPET provided us with very detailed and specific ways to conduct patent examination.”

- Mr. Jan Rayyan Barraca,  
First RPET Graduate

### *Success Factor 1: Involvement of Local Supervisors*

Under RPET, local supervisors were directly involved in supporting trainees’ learning and its application. RPET graduates unanimously identified this as a key factor in RPET’s success, especially in enabling trainees to apply new learning in the workplace.

Local supervisors were invited to Australia prior to the trainees’ commencement of training. IP Australia briefed local supervisors from all ASEAN IP Offices on the RPET training modules, on what is expected from trainees, and local supervisors’ roles in monitoring and supporting the learning process. IP Australia also obtained local supervisors’ commitments in leading initiatives that could improve their respective organisations’ work processes.

“We have to make this (NPET training) our own so we had to make some changes in accordance with our national laws. We borrowed RPET’s program and curriculum and adopted it to our own context.”

- Mr. Jan Rayyan Barraca,  
First RPET Graduate

Owing to the above, RPET graduates reported having more fruitful exchanges of information with their local supervisors on substantive examination given similar understanding on the RPET teachings and approach.

### **Success Factor 2: Management Support to Trainees**

While participation in RPET can be seen as an incentive for good performers, it was also time-consuming as trainees had their work responsibilities and targets.

Awareness of the RPET requirements prompted local supervisors and IPOPHL management to support trainees to ensure they could comply with the training requirements and finish the course on time. RPET trainees received a 50 per cent workload reduction during the third and final phase of RPET on applied practice in consideration of their training requirements.

“I think my positive experience (in adopting new approaches in patent examination) would be much different if my supervisor were not involved in RPET as she would not understand where I was coming from.”

- Ms. Katherine Roque,  
RPET Graduate – 2nd Intake

### **Success Factor 3: Modelling Best Practices Behaviours**

The local supervisors’ experience with IP Australia served as a model for the RPET graduates when they assumed roles as IPOPHL’s in-house trainers.

Following IP Australia’s practice, the RPET graduates/trainers also engaged the supervisors of newly hired examiners to brief them on the local training curriculum prior to the commencement of training. This allowed supervisors to be aware of what their staff will be learning so that they could also properly support and assist the staff in the application of learning in the workplace. Supervisors were also invited to attend, observe, and provide inputs during the NPET training sessions.

### **Success Factor 4: Selecting the Right People to Train**

Selecting the right people to undergo training is a key issue for the effectiveness of any training program, much more so with RPET. Unlike other short-term training programs, RPET’s two-year duration requires long-term commitments by the trainees and their supervisors.

IP Australia established strict eligibility requirements where only patent examiners with a minimum of 2 to 3 years of work experience are eligible to join the program. Nevertheless, ASEAN IP Offices were directly responsible for initially screening and selecting training candidates they would later endorse to IP Australia.

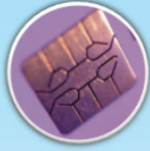
For IPOPHL, this meant adopting a merit-based approach in choosing 2 to 3 top candidates per year from a long list of qualified examiners. A local supervisor underscored the importance of this merit-based approach so that the final selection is above board and to avoid questions from those who were not selected.

In addition to work performance, IPOPHL also placed a premium on high-performing candidates who are committed to training and have the ability to effectively manage and balance their time at work



*Bureau of Patents (BOP) Assistant Director Lolibeth Medrano and BOP Director Epifanio Evasco confers the Certificate of Competency to Mr. Donde Deveras.*

The first two RPET participants from IPOPHL were chosen as they got the highest scores in an internal examination for their employment regularisation.



### RPET awards

- Silver award and an innovation award at the annual Institute of Public Administration Australia Prime Minister’s awards for Public Sector Excellence in 2015.
- Gold award in the ‘Best Blended Learning Model’ at the 2013 Asia Pacific LearnX Conference.
- Finalist in the Australian Institute of Training and Development Awards for best blended learning in 2014.

and in training. Participation in RPET did not exempt trainees from their work targets and responsibilities. RPET graduates recalled having to study and do their assignments during their personal time and over the weekends.

IPOPHL also accorded equal opportunities for men and women to access RPET and in local supervisory roles. Six out of the total ten IPOPHL RPET participants (graduates and on-going trainees) are women. Four out of the total seven local supervisors of RPET participants are women.



(L-R) Bureau of Patents (BOP) Assistant Director Lolibeth Medrano, Mr. Sherwin Lagonoy, Ms. Katherine Roque, and BOP Director Epifanio Evasco.

### Success Factor 5: Keeping Trained Personnel

Local supervisors noted the low staff turnover rate within IPOPHL given the highly specialised skills of a patent examiner and limited demand in the domestic private sector. It is therefore likely that RPET-trained patent examiners stay within the organisation, sustaining the opportunity to share their new knowledge and skills to new patent examiners.

The engagement of RPET graduates as emerging mentors for new staff and their contributions in the broader organisational change initiatives led by their local supervisors reflect the high value IPOPHL management has accorded RPET graduates. This could serve as non-monetary incentives for sustaining job satisfaction.

The involvement of local supervisors in RPET also contributed to broader organisational changes that helped sustain RPET outcomes within IPOPHL. Local supervisors have successfully championed organisational outcomes partly because of their status and role in the organisation.

Local supervisors identified the following organisational outcomes from RPET:

- **Cascading of Learning within IPOPHL.** As part of their commitment to disseminate RPET learning more broadly within IPOPHL, local supervisors pushed for changes in IPOPHL’s in-house training for new patent examiners by adopting relevant practices from RPET. This in-house NPET program has started providing structured, comprehensive, and competency-based training for new examiners based on elements from RPET as well as from the United States and European Patent Offices.
- **Institutionalising Reforms in Organisational Practices.** Local supervisors of RPET trainees led initiatives to improve and standardise IPOPHL’s Quality Control and Quality Management System for patent examination. These included:

Benefits at the Individual Level

“It is a satisfying experience to see that what we did out there (under RPET) was not just for us. We see the benefits spreading to everyone.”

- Mr. Jan Rayyan Barraca,  
First RPET Graduate



2014 RPET Trainees and their IP Australia Trainers

- Random quality checks of patent examination reports following IP Australia's quality management practices;
- Revision and standardisation of templates for writing patent examination reports in line with international best practice inspired by RPET's approach and tailored to the IPOPHL context; and
- Installation of a 3-person team to boost the thoroughness and quality of IPOPHL in conducting search reports based on IP Australia's practice and RPET training.

### ***Future Recognition as an International Searching Authority***

Individual and organisation outcomes arising from RPET are strengthening IPOPHL's application, in 2017, to be appointed as an International Searching and Preliminary Examining Authority under the PCT. The designation of IPOPHL as the second International Authority in South East Asia will facilitate the use of the PCT system in the Philippines and will, in turn, contribute to increased usage of the international patent system in the ASEAN region.

## **Challenges**

RPET graduates and local supervisors observed some challenges during implementation. These challenges were adequately addressed by IP Australia and IPOPHL and did not deter the achievement of RPET outcomes.

A major challenge identified by RPET graduates was the differences between international standards and national laws which had prevented the full application of international PCT standards, as espoused by RPET, within

IPOPHL. For instance, some patent claims allowed by the PCT are still prohibited under the IP Code of the Philippines.

### ***Suggestions to Strengthen and Expand RPET Outcomes***

Reflecting back on their positive experience with RPET, graduates and local supervisors suggested the following areas for RPET to consider in consolidating and expanding the good outcomes the program has been able to achieve within IPOPHL:

- RPET graduates suggested more one-on-one guidance for searching techniques using IPOPHL's own real cases and/or cases with multiple complications. This will expose trainees to more complex local cases, which will maximise the relevance and future applicability of training.
- While involvement of local supervisors provided significant dividends in terms of fostering individual and organisational outcomes, local supervisors are also interested in attending and observing some training sessions during the theoretical and search phases of the RPET curriculum. This will further provide local supervisors with a better idea and understanding of what was being taught.
- Echoing the above and recognising the evolving nature of patent examination practice, RPET graduates noted that they and their local supervisors could also benefit from a refresher session on critical topics covered by RPET.
- Local supervisors suggested a similar RPET-type training but in advanced examination and targeted to senior patent examiners with 6 to 7 years experience. This training will address senior examiners' questions on RPET approaches and could facilitate broader support to organisation changes in patent examination practices.



To tackle the above issue, IP Australia had asked RPET trainees to identify differences between what RPET taught and local practices or regulations. This formed the basis of discussions between trainers and trainees on how to modify RPET approaches to specifically fit the Philippine context.

Another challenge for IPOPHL had been slow internet speeds which meant that video conferencing sessions were sometimes disconnected. This highlighted the critical importance for participating IP Offices to have an adequate IT infrastructure that allows seamless connection, especially given RPET's virtual mode of training delivery.

## Conclusion

IPOPHL's successful experience with RPET describes the convergence of various factors under RPET's innovative training approach and IPOPHL's own actions that were instrumental in effecting outcomes at the individual and organisational levels.

The involvement of local supervisors helped trigger organisational changes while also enabling RPET trainees' individual application of new knowledge and skills in the workplace.

Outcomes at the individual levels were due to the hands-on, competency-based, and longer-term nature of RPET training and mentoring as well as the strong commitment from RPET trainees. These outcomes would not have been possible without the important role of IPOPHL in selecting the right people for training and in continuously supporting and keeping RPET-trained officers engaged in organisational reform processes.

REPT outcomes are being sustained by IPOPHL through the in-house training of new patent examiners following the RPET approach and quality management system improvements influenced by RPET.

IPOPHL is using these outcomes to realise plans to be recognised as an International Searching Authority in the region. Such recognition will further contribute to achieving AANZFTA objectives in promoting innovation and economic integration through IPR by facilitating the broader acceptance of PCT standards in the Philippines and in the ASEAN region.

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(L-R): Australian Embassy First Secretary Mr. Hodges, IPOPHL Deputy Director General (DDG) Gepty, Australian Ambassador to the Philippines H.E. Mr. Tweddell, Mr. Jan Rayyan Barraca (First RPET Graduate), and IPOPHL DDG Laluces (January 2015)

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