

ENHANCING ASEAN COMPETITIVENESS

Robust and Sustainable Patent Examination Training Model

Background

Developing strong intellectual property (IP) regimes throughout ASEAN is necessary to foster dynamic international trade and investment. When the requirements of IP rights are consistently applied, investors and traders will have more confidence to trade and invest in innovation, research and development as well as technology transfer throughout the region. Adopting a consistent and robust practice of patent examination plays an integral role in enhancing ASEAN competitiveness with predictable, efficient and accessible IP systems.

The ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) commits the 12 Parties to reduce trade and investment impediments through the effective and adequate creation, utilisation, protection, and enforcement of intellectual property rights. In this light, developing and delivering a consistent and high-quality training in patent examination requires intensive resources

and there was a notable capacity gap in ASEAN in this area. Without the efficiencies created by having effective patent examination training in place, examiners faced various technical difficulties in coping with increasing demand and volume of patent applications.

To operationalise and implement IP commitments in AANZFTA, Parties agreed to support two complementary projects: (1) Capacity Building for Patent Examiners – An Ideal Training Model (IPET) and (2) Regional Patent Examination Training Mentoring (RPET Mentoring). These interrelated projects aimed to develop and embed a consistent and sustainable approach with tailored resources to patent examination training in the participating ASEAN Member States (AMS) towards a shared goal of enhancing the internal training capacity of AMS and the overall quality of patent examination standards throughout the region.

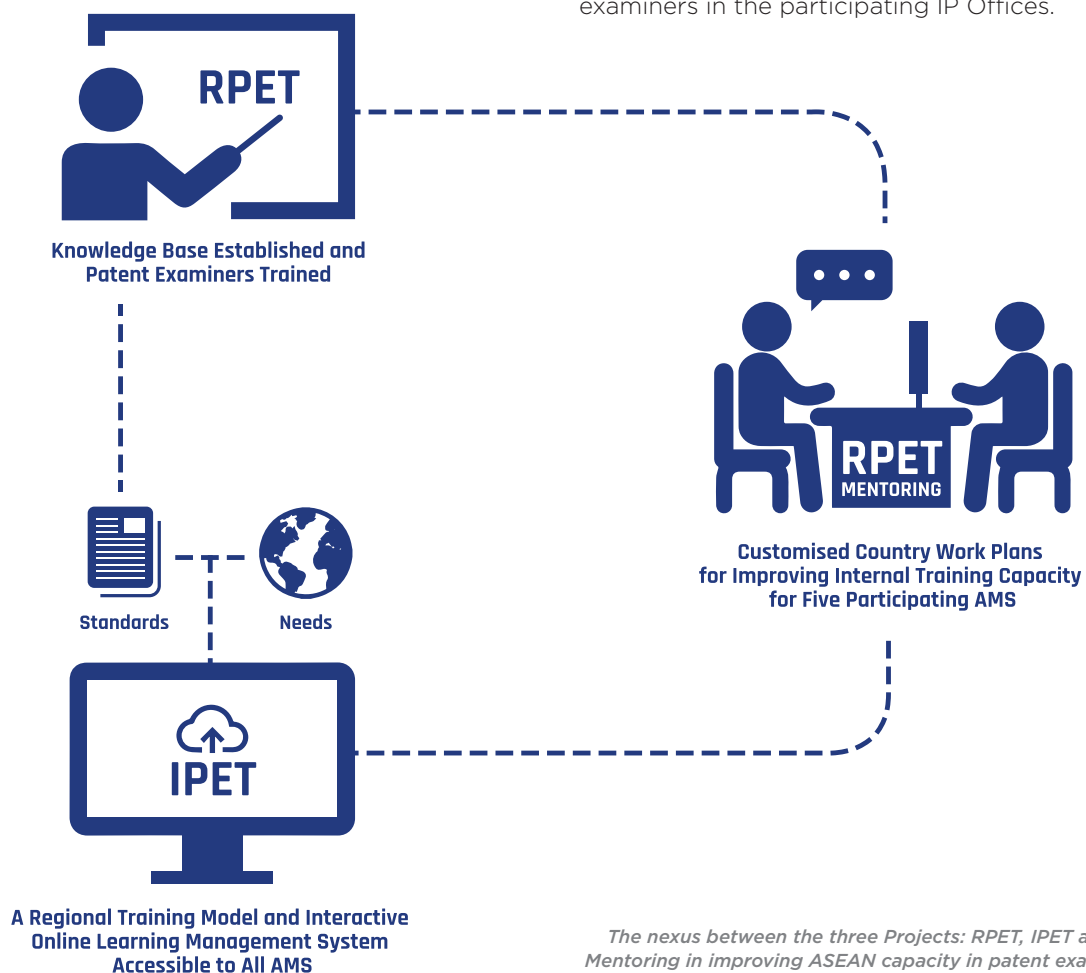
Project Information

	IPET	RPET Mentoring
Supported by	AANZFTA Economic Cooperation Support Programme	
Timeline	April 2013 to present	July 2017 to present
Total Budget	AUD 337,069	AUD 247,835
Proponents / Implementers	Intellectual Property Corporation of Malaysia	IP Australia
Participating ASEAN Member States	All ASEAN Member States	Indonesia, Malaysia, the Philippines, Thailand, and Viet Nam

IPET AND RPET MENTORING: ENHANCED PATENT EXAMINATION CAPABILITIES IN PARTICIPATING IP OFFICES

Patent examination training in ASEAN has evolved significantly since AANZFTA Parties agreed to support the implementation of the Regional Patent Examination Training (RPET) project in May 2012. Led by IP Australia, RPET assisted participating AMS in building their patent examiners' capabilities at par with the international standards of the Patent Cooperation Treaty. This award-winning project developed and exposed ASEAN IP Offices to a competency-based patent training programme. As a result, 45 ASEAN patent examiners were trained through this two-year programme. RPET has played an important role in building a foundational understanding of competency-based training, which has influenced training practices within these participating IP Offices and in the region.

Building on the success of RPET, An Ideal Training Model (IPET) and RPET Mentoring projects were established in 2013 and 2017, respectively, and have resulted in complementary outcomes to the patent examiners, training materials and networks established under RPET. IPET considered the national application of the RPET materials and has successfully centralised all material to an online learning management system to support consistency in patent examination training in the region. As a result, the IPET system has effectively served as an interactive learning platform and an open-source depository for training resources. RPET Mentoring, serving as the next phase of the RPET, further built upon the IPET learning management system and online content, by designing a training framework and material for domestic implementation with an aim to set in motion in-house training to new and existing examiners in the participating IP Offices.



The nexus between the three Projects: RPET, IPET and RPET Mentoring in improving ASEAN capacity in patent examination

The key outcome from the implementation of both IPET and RPET Mentoring projects has been the enhanced capacities of all participating IP offices to develop, maintain and deliver their own patent examination programme. Local trainers in each office have noted that their new examiners, who have participated in the new training programme developed through RPET Mentoring, have a strong understanding of the foundation concepts of patent examination and are well prepared to transition to the next phase of adopting high-quality patent search and examination practices. Improved patent examination capabilities have contributed to increased efficiencies in the examination and prosecution process, and grant of higher quality patents, as well as flow-on effects of increased business and inventors' confidence throughout the ASEAN region.

The **'Ideal Training Model' (IPET)** project has strengthened the training infrastructure for IP Offices by developing a regional training model and framework for all ASEAN IP Offices. IPET has developed an effective and interactive online management learning system to host and accumulate training resources for ASEAN IP Offices. This system is actively used by patent examiners in Indonesia, Malaysia, the Philippines, Thailand and Viet Nam. IPET also exposes newer ASEAN Member States namely Cambodia, Lao PDR and Myanmar, who do not yet conduct a substantive examination but have the ability to access and use this material for internal training purposes.

To ensure the sustainability of training outcomes under IPET, **'RPET Mentoring'** has assisted AMS in adapting and embedding the training infrastructure and contents from RPET and IPET to their domestic practices and legislations. RPET Mentors have worked with local Activity Managers and Training Teams to initially design customised work plans and milestones for capacity development for each participating IP Office. The Mentors also provide tailored guidance on training future local trainers with the aim of improving the internal training capacity and self-sufficiency in these IP Offices. In particular, 'RPET Mentoring' has assisted participating IP Offices in addressing country-specific needs, resulting in the following key outcomes:

- Each office has a comprehensive competency-based patent examination training programme that includes online modules, a curriculum and training tools.
- IP Offices in Viet Nam, the Philippines and Malaysia have commenced a pilot of the new training programmes. The first eight new examiners in Viet Nam and six new examiners in the Philippines have completed their first phase of the programme. Indonesia and Thailand IP Offices intend to start piloting by October 2019.



The RPET Mentoring is a very useful and relevant training programme that complements the RPET for patent examiners and can provide standard training materials and modules to be used in training patent examiners

- Ms Melanie Binauhan, Activity Team Leader, The Intellectual Property Office of the Philippines



IPET and RPET Mentoring increased the knowledge and skill of patent examiners in conducting search and examination to international standards. The settlement of examinations is now faster and is of good quality; the backlog is also decreased. It is expected that these projects can encourage the development of innovation

- Mr Aribudhi Nugroho Suyono, Patent Examiner/ Activity Manager for RPET Mentoring, Directorate General of Intellectual Property Rights of Indonesia

The ability to deliver consistent and high-quality patent examination training to new intakes using internal resources demonstrates long-term sustainability of the projects. For example, with further coaching under RPET Mentoring, many RPET graduates have now become trainers and are leading on the development and implementation of these country-specific patent examination training.



In the long term, we anticipate the sustainable approach adopted by RPET Mentoring will have a positive impact on patent quality standards at Thai Department of Intellectual Property

- Ms Baahini Sivakumar, IP Australia mentor for the Thai Department of Intellectual Property

IPET AND RPET MENTORING: REINFORCING INTERNATIONAL COMMITMENTS ON IP

The 'Ideal Training Model' (IPET) and 'RPET Mentoring' projects have supported ASEAN economic integration on IP under the ASEAN Economic Community 2025 Blueprint and the Strategic Goal 1 of the ASEAN IP Action Plan 2016-2025

IPET and RPET Mentoring also contribute to the realising the built-in agenda and objectives of the AANZFTA Chapter 13 on Intellectual Property:

- Training under IPET encourages ASEAN IP Offices to raise standards to the international practice established through the World Intellectual Property Organization (WIPO) Patent Cooperation Treaty (Article 1);

- The contextualisation of training materials under RPET Mentoring ensure that patent examination systems consider different levels of capacity development and needs in national legal systems, ensuring examiners adopt high-quality of examining patents when prosecuting cases in their countries (Article 1); and
- Improved competency and patent examination systems support the party's commitment to cooperation to improve the efficiency of respective IP administration and registration systems (Article 9).

Results of IPET and RPET Mentoring: *The Experience of Viet Nam*

The 'Ideal Training Model' (IPET) and the 'Regional Patent Examination Training (RPET) Mentoring' have assisted participating IP Offices in enhancing their capacities in delivering quality patent examination training. For Viet Nam, the implementation of these projects has increased the speed and quality of patent examinations and enabled patent examiners at the Intellectual Property Office of Viet Nam (IP Viet Nam) to customise a consistent and sustainable patent examination training programme for their new examiners.

In recent years, IP Viet Nam has received an increasing number and complexity of patent applications. In 2018, they received over 6,000 international applications and approximately 1,000 domestic applications. The processing time for these applications ranges from 4 to 5 years. Furthermore, the three different divisions within IP Viet Nam had previously provided different approaches to patent examination training, leading to issues with maintaining consistency.

In light of this, 'RPET Mentoring' has assisted IP Viet Nam to develop Viet Nam Patent Examination Training Programme or ViPET. After adapting the learning system and resources materialised under IPET, this programme has been delivered to their new cohort of trainees across all technology backgrounds since March 2019.

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The competency-based training framework developed under RPET Mentoring is so valuable as it minimises the gaps between our three divisions

- a RPET Mentoring Trainer, IP Viet Nam

To date, IP Viet Nam has been able to complete the first phase of its 21-month pilot training programme for eight new trainee examiners. Trained by RPET graduates, the ViPET trainees have already demonstrated their increased confidence in applying the skills gained to deliver better quality patent examination. Feedback from IP Viet Nam trainees has suggested that the adoption of the structured and consistent competency-based training programme under RPET Mentoring is very useful in minimising discrepancies in training practices among the three divisions.

The RPET graduates' familiarity with this competency-based training also allowed them to be in the driver seat in contributing to the organisational changes required to implement RPET Mentoring at IP Viet Nam. As the programme progresses, they are confident the program will deliver increases in efficiency and quality of patents granted by IP Viet Nam.

SUCCESS FACTORS OF IPET AND RPET MENTORING



RPET allowed offices to share experiences in training development based on mentoring programmes from the expert/consultant that are beneficial to meet the specific needs of Malaysia. As a result, we managed to mark a significant improvement in the quality of patent examination as well as to increase the level and number of well-trained examiners who are up to the world standard

- Yusnieza Syarmila Yusoff, Senior Director, Policy and International Affairs Division, Intellectual Property Corporation of Malaysia.

Focus on Competency-Based Examination

The competency-based examination framework, used in all three projects, takes a flexible approach to learning that allows trainees to proceed with their assignments when they can demonstrate their competency at the task on hand. In the case of RPET Mentoring, trainees undergo a variety of online and on-the-job assessments, and the requirements are made transparent from the early stages of the programme. Continuous assessments ensure that trainers can assess at any point whether trainees are performing up to standard,

allowing them to identify and focus their attention on those who are falling behind and make early interventions as appropriate. The assessments also provide evidence that a trainee is competent and able to meet international patent examination requirements. The transparency, objectivity, and consistency of the competency-based framework were raised by IP Australia mentors as reasons for its success.

Success Factor



Focus on competency-based examination



Customised to country needs



Blended approach to learning



Strong mentoring network

RPET Mentor Mission to the Intellectual Property Corporation of Malaysia, July 2018



Customised to Country Needs

Complementing the regional approach of Regional Patent Examination Training and IPET, RPET Mentoring conducted a gap analysis and recognised that each of the five participating IP Offices was at varying stages of development and would, therefore, require an individualised approach according to the office's requirements. The guidance was accordingly focused on how each training programme was designed, developed, implemented and evaluated by factoring in the needs of each country. The customisability of RPET Mentoring work plans also allowed IP Offices to tailor their own versions of online learning tools which included national laws, provisions or focus areas. This flexible and demand-driven approach allowed IP Australia mentors to address country-specific capacity needs for optimal results which will be sustained by the offices in the long term.

Blended Approach to Learning

The blended learning approach combines face-to-face lectures, on-the-job training, and online learning platform and management systems used

in IPET and RPET Mentoring. Incorporating all these aspects, the in-house training programmes now cater to trainees with diverse skillsets and enable them to access to all learning resources at any time through an online learning management system. This flexibility provided by the online modules is beneficial because trainees can learn at their own pace, which is supported through face to face training sessions. The blended learning approach has increased content retention among participants and contributed to the sustainability of the capacity built under RPET, IPET and RPET Mentoring.

Strong Mentoring Network

RPET Mentoring's is an in-country and virtual mentoring programme, following a country-specific work programme, involving experts from Australia and local training teams. The mentoring and guidance were a critical factor in contributing to the effectiveness of RPET Mentoring and enabled organisational change to embed the training approach of RPET and IPET. The strong mentoring network and relationship of trust built between IP Australia and each of the five IP Offices during RPET ensured that IP Australia was able to provide relevant insight during the planning and implementation stages of 'RPET Mentoring'.

Pilot Patent Examination Training Delivered to New Trainees at the Intellectual Property Office of the Philippines Under RPET Mentoring Project | Manila, Philippines, 28 May - 7 June 2019





Ideal Patent Examination Training: Brainstorming Session | Kuala Lumpur, Malaysia, 19-22 August 2013

CONCLUSION

Consistent and robust patent examination services give businesses and investors increased confidence to trade and invest in research and development across the AANZFTA region. Findings of this case study exemplify the significant contributions of the IPET and RPET Mentoring in supporting the implementation of the IP Chapter of AANZFTA. Supports activities under both projects are well recognised by participating AMS and have complementarily contributed to improving the quality of patent examination and internal training capacity in all participating IP Office. More importantly, both projects have provided ASEAN IP Offices with robust training model and lasting resources for them to effectively carry out training of new patent examiners.



The outcomes achieved under IPET and RPET Mentoring are in line with the commitment of the AANZFTA to reduce trade and investment impediments through the effective creation, utilisation, protection, and enforcement of IPR. Patent and innovation will profit inventors by preventing others from copying and commercially using their product without their consent. Having a good quality patent examination, therefore, is a key foundation of a credible patent system based on international standards

*- Mr Aribudhi Nugroho Suyono, Patent Examiner/
Activity Manager for RPET Mentoring, Directorate
General of Intellectual Property Rights of Indonesia*

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Australian Government
IP Australia

IP Australia



INTELLECTUAL
PROPERTY OFFICE
BRUNEI DARUSSALAM

Brunei Intellectual Property Office (BruiPO)



**Cambodia Department of Intellectual Property Right
(DIP)**



DIREKTORAT JENDERAL
KEKAYAAN INTELEKTUAL
KEMENTERIAN HUKUM & HAM R.I.

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**MINISTRY OF BUSINESS,
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INTELLECTUAL PROPERTY
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Intellectual Property Office of Singapore (IPOS)



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Intellectual Property Office of Viet Nam (IP Viet Nam)