

# EXAMINER TRAINING AT THE EPO

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Examiner training at the European Patent Office is divided into two parts. The first part is targeted to developing skills directly related to Patents, i.e., towards search and examination. The second part is directed towards the so called soft skills such as blind typing and presentation skills, computer software and languages as well as management training. This paper will describe the training towards developing skills which are necessary for the search and examination of patent applications.

## 1. INITIAL TRAINING

When a new examiner joins the European Patent Office, he usually has no knowledge of what is involved in the process of patent granting. Therefore there is a need to bring their skills up to the level required to perform the various tasks associated with the job. This has to be achieved in an orderly manner and within a certain time period.

The training for new patent examiners is an integrated search and examination training and consists of the two components: classroom-based training and training on the job.

Both components are equally important and each of them contributes in its particular way to providing an efficient training programme for newcomers. The overall learning objectives for the first two years as well as the learning objectives for each educational level within the first two years are described below.

Measures are taken to ensure the high quality of new examiner training.

The European Patent Office has designed the initial training of examiners by following two steps:

- a) Identifying first the skills that a new examiner needs for the specific job, and
- b) designing the training in order to achieve the objectives of (a).

### 1.1. CLASSROOM-BASED INITIAL TRAINING

The classroom-based initial training provides the trainees with the general knowledge and skills to perform their tasks as a patent examiner. The classroom approach has the advantage of being more efficient in terms of trainer time than individual coaching because a single trainer can teach up to twelve trainees at the same time. Furthermore, a common basic training programme for all newcomers organised in a centralised manner contributes to the harmonisation of the patent granting practice of the office across both clusters (i.e. technical fields) and sites. However, a pure classroom-based approach would have drawbacks because supporting the trainee to work on real cases efficiently requires individual support. Furthermore, in training classes newcomers may be grouped together from different technical areas or clusters ( a cluster consists of a group of

examiners, about 250-300, working a somewhat broad technical area). This happens when the number of recruits of any single cluster or technical field does not justify a dedicated course for that cluster or technical field alone. Thus in class there may not always be sufficient time, technical knowledge and/or flexibility to respond to specific questions or problem of files from a particular technical field. For these reasons, the possibility to adapt the courses as far as possible to the special needs of clusters (see point 1.3 below) is provided on the one hand, but on the other hand, on the job training (coaching) is considered not only indispensable but also of paramount importance.

The classroom-based initial training for patent examiners consists of seven courses designated A to G. The training concept of the classroom-based training is according to the "whole task approach", an instructional design method for learning complex tasks. This means that the newcomers will already during their first week in the office do a complete - although very much simplified - search and examination. Subsequently the complexity of search and examination tasks will be increased in synchronisation with their learning progress.

The timing of the various courses is given in Figures 1a and 1b.

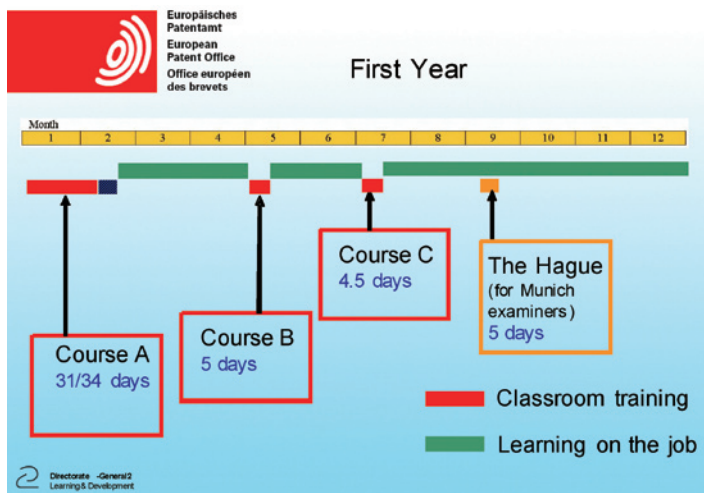


Figure 1a. Training program 1st year

- Course A : Basics of Search and Substantive Examination
- Course B : PCT, unity of invention, complex applications
- Course C : Advanced Patent Examination and Search

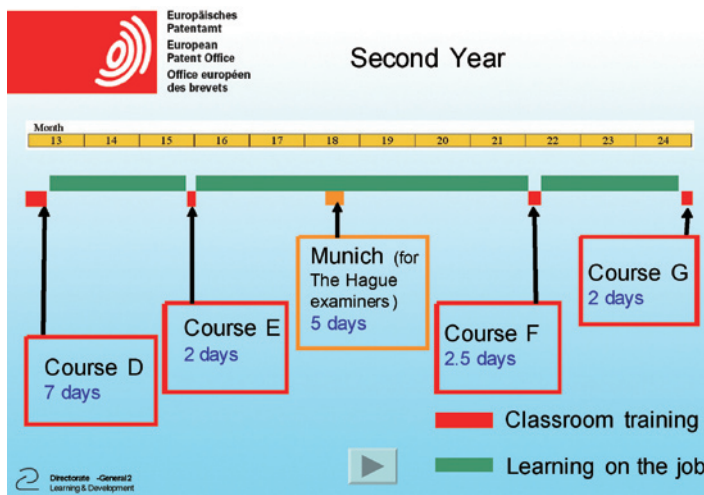


Figure 1b. Training program 2nd year

- Course D : Dealing with Replies from patent attorneys
- Course E : Various aspects of Intellectual Property
- Course F : Refusal and further aspects of the procedure
- Course G : Strategic and Efficient Examination

## 1.2. TRAINING ON THE JOB

The training on the job complements the classroom-based training in that the coaches provide field-specific training both in terms of search strategy (classes, databases etc) and in terms of examination practice for the real files treated by the newcomers. The training on the job is interleaved with the classroom-based training to provide sufficient opportunities for the trainees to practice the lessons they have learnt in class on their own files. The coaches responsible for the training on the job also provide "just-in-time" information in the sense that they are giving ad hoc support to the trainees when they run into difficulties. Thereby the coaches ensure that the actions generated by the trainees are EPC compliant and of high quality from the first action onwards. Finally, the coaches provide feedback to the trainees by reviewing their search reports and communications.

Having in mind that the new colleagues are from the beginning trained to do all aspects of a search and examination file (albeit a "simple" one with no particularities) it is immediately apparent that the coaches play a very important role in the training concept since real files without any special problems are very rare and it is practically impossible to identify such files a priori. The trainees will initially come across problems that they cannot deal with in an EPC compliant way based on the information received in the classroom. Therefore, the coaches have to regularly support the trainees in such a way that they are able to master such problems and to produce EPC compliant actions.

## 1.3. SPECIAL TRAINING NEEDS

Although the European patent Convention (EPC) equally applies to all technical fields and the training should help to ensure that the Search and Examination procedure is harmonized across different technical

fields, different technical areas, do, by nature, have different training needs. Examples include software inventions or medical treatments.

The training material is - with respect to its legal and procedural content - identical for all newcomers. However, the example files treated in the first course A do already differ according to the technical area (Electro/physics, mechanics, chemistry). Furthermore, a selection of exercises is provided with the material for all courses, from which the presenters may choose the ones most adequate for the technical field of the trainees. The possibility to treat field specific topics is limited: it is still the aim of the basic newcomer training to ensure that all newcomers substantially receive the same basic training.

## 1.4. LEARNING OBJECTIVES

The global learning objective is to enable the newcomers to perform actions on their own files as soon as possible and of good quality. However, it is generally agreed that several years of experience are needed before an examiner can be considered to be fully trained with respect to all aspects of search, examination and opposition. Therefore, the learning objectives have to be divided into levels which can be achieved within the basic training period of two years and those which are for later. The learning objectives which are beyond the scope of the basic patent training relate, for instance, to the work of the first examiner in opposition divisions or task of chairperson in examination.

The major objectives with regard to the position the trainees should be in after completing the programme are:

- to be able to work independently on own files as soon as possible in order to save coaching time,
- to be fully trained for search and examination after two years (see the exclusions listed above),

- to be able to produce work fully compliant with the EPC and, respectively, PCT and with the guidelines for examination
- to work efficiently in the sense that trainees are able to select the fastest route to come to a decision by avoiding redundant/inefficient actions.

After each course the trainees arrive at a higher educational level, at which they are capable of performing more complex search and examination tasks. It is the aim of the on the job training to consolidate each educational level by providing opportunities for carrying out such tasks after each course.

Since the classroom-based training follows the aforementioned "whole task approach", it is necessary that some topics are repeated several times in different courses. But each repetition is carried out at a higher or more complex level of detail.

## 2. FURTHER TRAINING

In addition to initial training for new examiners, the Directorate Learning and Development offers a series of courses to more experienced examiners in order to develop those skills and capabilities they need, to perform more advanced tasks.

A non exhaustive list is the following:

- a) Working in examining division - the role of a chairperson  
Knowledge of the tasks of a Chairman of an Examining Division.
- b) Opposition  
The participants should at the end of the course have a thorough understanding of the opposition procedure. More particular they should be able to perform the tasks of the 1st examiner in an opposition procedure
- c) Chairing Oral proceedings in the opposition procedure  
Prepare experienced examiners to chair the oral proceedings in the opposition procedure i.e, to support the Examiner in his responsibility of chairing the proceedings and to indicate how to perform the many tasks in a way that will be harmonised with other Chairmen and with current EPO policy on procedural matters.
- d) Coaching colleagues  
Provide instructions in the role of a coach for colleagues.  
Enable participants to identify ways in which the trainees react to and express emotions, and teach them appropriate methods to resolve these problems.
- e) Presenting professional training  
This course is designed to prepare examiners to present courses which are offered by the Directorate Learning and Development.
- f) Professional Development Plan  
The PDP offers courses which are for practical application of the core tasks.  
These courses aim to offer training on issues related to Search and Substantive Examination to examiners who would want to benefit from the opportunity to refresh their knowledge or learn about new developments in a particular area.
- g) External Database Training  
Introduction to the use of external databases such as STN,INSPEC and other special ones.
- h) Classification training  
The training for new classifiers comprises classroom trainings and on the job training. Training on the job is field specific and comprises the classification of 250 documents under the supervision of an experienced classifier.

Furthermore, there are two other cases we also provide training which is of great importance to the quality of the granted patents.

- There are times where new practise and procedures are implemented as is, for example, the case with EPC 2000. When this takes place we organise and provide training for all examiners,

- When possible deficiencies are identified by our quality checks, we organise targeted advanced training in order to eliminate them and improve the quality of the granted patents.

### 3. CONCLUSION

The above summary gives an short description of the Professional Examiner training at the EPO. the aim is to support the examiners develop and update the necessary skills they need in order to perform their tasks with the required quality standards. In order to achieve this, Directorate Learning and Development is offering a number of courses which are mostly designed internally to the EPO. When necessary, courses are offered by external people.

We are always searching for new ways of improving our training and we are currently looking into the possibilities offered by e-learning in combination with classical classroom training. Another area is the development of a more comprehensive evaluation system for the assessment of examiner training. These are very exciting projects and initial results are promising.

## profile

### Argyrios Bailas

Born in Greece he received a Diploma in Electrical Engineering from Democritus University of Thrace and a MS and PhD also in Electrical Engineering from the University of Minnesota in Minneapolis.

After doing his compulsory military service in Greece and a brief stay at a teaching position in the Electrical Engineering Department of the Democritus University of Thrace, he joined the EPO in The Hague in 1991 as an patent examiner. In addition to his work in search and examination he was a trainer for new examiners. In 2003 he was promoted to Director in Munich in the area of Telecommunication. In 2005 he took over the Directorate Learning and Development.

