

EUIPO Trade Mark and Design Education Programme Implementing Rules

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Chapter 1: EUIPO Trade Mark and Design Education Programme

Article 1 — Steering Committee and its duties

- (1) The term of office of the Chairperson and of the members of the Steering Committee will last for three years from the date of their nomination. Subject to amendments in accordance with Article 1(4) of the Rules of Governance that have an impact on the Steering Committee, the term of office of members will be renewed automatically for a period of three years.
- (2) By way of derogation, the term of office of the members of the Steering Committee following the creation of the Education Programme will start on the date of the constitutive meeting.
- (3) If a member of the Steering Committee resigns before the end of the term of office, the Executive Director of the EUIPO will appoint a new member for the duration of the remaining term of office upon nomination by the represented institution.
- (4) Any entity mentioned in Article 3(1)(b) and (c) of the Rules of Governance may relinquish their representation on the Steering Committee by giving written notice to the Executive Director of the EUIPO.

In order to fill the vacancy, the remaining members of the Steering Committee will decide upon the nomination of an entity from the same group. The proposal will be presented to the nominated entity by the EUIPO.

Once the nominated entity has accepted and nominated a representative, the Executive Director of the EUIPO will appoint the said representative as a member of the Steering Committee.

- (5) The Steering Committee will elect from among its members a Vice-Chairperson, whose term of office will last for three years from the date of election.
- (6) The Steering Committee will nominate the Faculty and make a proposal on the remuneration of external teachers. In all matters concerning remuneration, the Steering Committee must act in accordance with the financial provisions governing the EUIPO.
- (7) The Steering Committee will perform any other duties specified in these Implementing Rules, including any duties delegated to it by the Executive Director.

Article 2 — Examination Board and its duties

- (1) The Examination Board will consist of at least four members. All groups mentioned in Article 3(1) of the Rules of Governance must be represented on the Examination Board.

- (2) The term of office of the Chairperson and of the members of the Examination Board will last for two years from the date of their nomination. Subject to amendments in accordance with Article 1(4) of the Rules of Governance that have an impact on the Examination Board, the term of office of the members will be renewed automatically for a period of another two years.
- (3) The Examination Board will hold at least one ordinary meeting per year. Extraordinary meetings may be held should the need arise.
- (4) The Examination Board will be convened by its Chairperson.
- (5) All decisions of the Examination Board will be taken by a majority of the votes given unless otherwise stated. The Chairperson will have a casting vote.
- (6) The Chairperson may decide that a proposal is to be dealt with by means of a written procedure. The rules in paragraph (5) of this Article will also apply for decisions taken by means of a written procedure.
- (7) The members of the Examination Board may decide to delegate some of their tasks to the stakeholders outlined in paragraph (8) of this Article, in accordance with Article 6(3) of the Rules of Governance. The members of the Examination Board will not be able to delegate their duties in relation to deciding on appeals against the results of the examination.
- (8) The members of the Examination Board may be assisted in the execution of their duties by the relevant stakeholders including, but not limited to:
 - a) legal practitioners;
 - b) statutory staff of the EUIPO;
 - c) the academic community.
- (9) The Examination Board will perform its duties regarding appeals in accordance with Article 12 of the Rules of Governance and Article 13 of these Implementing Rules.

Article 3 — Additional bodies assisting in the implementation of the Education Programme

- (1) Should the Executive Director decide to create additional bodies that will assist in the implementation of the Education Programme, the details of their competence and duties will be laid down in these Implementing Rules.

Article 4 — Expenses for the members and Chairpersons of the Steering Committee, the Examination Board and the Faculty of the Education Programme

- (1) Travel and accommodation expenses for the members and Chairperson of the Steering Committee, the members and Chairperson of the Examination Board and the teachers of the Faculty of the Education Programme will be covered entirely by the EUIPO.
- (2) The expenses mentioned in paragraph (1) of this Article may apply to any other person whose work directly contributes to the implementation of the Education Programme, if such benefit is considered to be necessary by the Steering Committee. The extension of the expenses will be determined in an explicit decision by the Steering Committee, which will include the grounds for the said extension.
- (3) The expenses mentioned in paragraph (1) of this Article are subject to the financial provisions governing the EUIPO.

Chapter 2: Enrolment Procedure and Course Cycles

Article 5 — Admission criteria and enrolment procedure

- (1) The applications for enrolment must be submitted electronically following the instructions published in the announcement of the course cycle laid down in paragraph 3(a) of this Article.
- (2) The applicant is required to submit a copy of his or her ID or passport electronically. The EUIPO reserves the right to request additional documentation proving compliance with the admission criteria outlined in Article 7 of the Rules of Governance, in cases where there are serious doubts in this regard.
- (3) The enrolment process will take place in accordance with a predetermined time frame. The time frame may be subject to change.
 - a) The course cycle will be announced in the Official Journal of the EUIPO and on the official website of the EUIPO at least three months prior to its starting date. The announcement will contain information regarding the enrolment process, including the admission criteria, the documents to be submitted as evidence of complying with the admission criteria, the course fee, payment methods and the time frame of the course cycle in question, including the deadline for submitting the application for enrolment.
 - b) The registration period will start on the date indicated in the announcement of the course cycle and will remain open as long as there are free places but for no longer than one month.
 - c) The last day of the registration phase will be considered as the deadline for

submitting applications. Non-compliance with the deadline will result in non-admission to the programme.

- d) The fee must be received by the EUIPO or a third party designated by the EUIPO within seven calendar days from the date of the application. EUIPO reserves the right to request proof of payment of the course fee from applicants.
 - e) Participants will receive an email confirming their enrolment on the course once the payment has been received by the EUIPO or the designated third party.
- (4) The Education Programme reserves the right to reject an applicant or disqualify a registered participant who made a false declaration in his or her application.

Article 6 — Course fee

- (1) The course fee and the accepted method of payment will be published together with the announcement of the course in accordance with Article 5(3)(a) of these Implementing Rules.
- (2) The fee does not cover the travel expenses for the face-to-face modules, the cost of any technical equipment required for the online modules, nor any other expenses not expressly mentioned.
- (3) Payments received by the EUIPO after the due date mentioned in Article 5(3)(d) will be considered late and will result in non-admission to the programme. Late payments will be reimbursed.

Article 7 — Pan-European Seal and Young Professionals trainees

- (1) Trainees who take part in the Education Programme in accordance with Article 10 of the Rules of Governance and whose position as a trainee with the EUIPO ends before the end of the course cycle will be entitled to attend further modules of the current course cycle free of charge until its conclusion.
- (2) The trainees mentioned in paragraph (1) of this Article will not be authorised to sit the final examination at the end of the course cycle and will not receive a certificate upon completion of the course.

Article 8 — Course cycles

- (1) One course cycle will be organised per calendar year. The duration and exact dates of each course cycle will be decided by the Steering Committee and announced in accordance with Article 5(3)(a) of these Implementing Rules.

Chapter 3: Examination Process

Article 9 — Examination

- (1) The format of the examination will be determined by the Steering Committee. It will be announced in accordance with Article 5(3)(a) of these Implementing Rules along with further information on the examination process.
- (2) The participant will be considered to have passed the course cycle successfully if he or she has been awarded a PASS grade in all sections of the examination.
 - a) A PASS grade will be awarded in each examination if more than 50 percentage points have been awarded for the relevant examination.
 - b) When marking examinations, the members of the Examination Board and the persons they have delegated their duties to (examiners) must bear in mind that candidates may have written their answers in a language other than their mother tongue. Errors of grammar or style must therefore not be penalised.
- (3) All candidates will be notified of their own results.
- (4) A list of candidates who successfully completed the course cycle may be published in the Official Journal of the EUIPO, unless candidates specifically request that their names not be published.
- (5) In the case of extraordinary circumstances (namely medical causes or *force majeure*) proven by the candidate, the candidate will be entitled to sit the missed section of the examination within one month of the original date of the examination.
- (6) All examinations will be corrected by members of the Examination Board or their delegates in accordance with Article 2 of these Implementing Rules. The evaluation of each examination will be revised by a member of the Examination Board, who will have a casting vote regarding the grade. The two examiners must not be part of the same group mentioned in Article 5(1) of the Rules of Governance.
- (7) Paragraph (6) of this Article does not apply to exams using software programs featuring electronic self-grading.
- (8) Candidates retaking one or more sections of the examination process in accordance with Article 11(2) of the Rules of Governance will be admitted to the face-to-face and online modules prior to retaking the examination or examinations.
- (9) In the case of written examinations taking place at the EUIPO premises, invigilation will be conducted by members of the Examination Board or persons delegated by the Examination Board in accordance with Article 2 of these Implementing Rules.

- (10) Any type of behaviour contrary to the instructions to candidates with the aim of gaining an undue advantage during the examination process may result in disqualification from the course cycle.

Article 10 — Candidates with disabilities

- (1) Candidates with disabilities are people who can prove that they suffer from certain disabilities that have a severe impact on their capacity to participate in the examination process as set up for all other candidates.
- (2) Such participants must provide suitable evidence issued by the competent National Health Service or its equivalent.
- (3) Depending on the severity and degree of the disability, the participant may be allowed to participate in the examination process under conditions that compensate as far as possible for the consequences of the disability in respect of the examination. Additional time for writing the papers, personal assistance or other logistical or technical support may be given as appropriate depending on the circumstances of a particular case.
- (4) Notification to the programme administration must be at least one month prior to the beginning of the respective examination phase.

Article 11 — Appeals

- (1) An appeal may be filed in the event of a candidate concluding the course cycle with a failing grade.
- (2) A notice of appeal including a statement setting out the grounds for appeal must be filed in writing with the Examination Board within fifteen days of the date of notification of the examination results.
- (3) The Examination Board must produce a decision on the appeal in a period no longer than two months of the date of filing the notice of appeal.
- (4) The Examination Board must not delegate its duties regarding deciding on appeals to any other persons.
- (5) If the Examination Board considers the appeal to be admissible and well founded, it will rectify its decision and notify the appellant of its decision.
- (6) If the Examination Board considers that the appeal is inadmissible or not well founded, it will refuse the appeal and notify the appellant of its decision.

Article 12 — Final provisions

- (1) These Implementing Rules will enter into force upon their enactment by the Steering Committee.
- (2) Any amendments to these Implementing Rules will be proposed by the Steering Committee and approved by the Executive Director.