

EUIPO Trade Mark and Design Education Programme Rules of Governance

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Article 1 — EUIPO Trade Mark and Design Education Programme

- (1) The EUIPO Trade Mark and Design Education Programme (the Education Programme) is established as an Education Programme within the EUIPO, whose objective is to increase the knowledge of the legal framework of European Union trade marks and Community designs, in particular proceedings and practices of the EUIPO within the community of intellectual property professionals currently practising.
- (2) The Education Programme aims to create a network of trained practitioners who will possess advanced knowledge of the EUIPO's practice and tools, thus facilitating the procedures they initiate before the EUIPO.
- (3) It is envisaged that the Education Programme will run a training and examination cycle (course cycle) once a year. The details will be laid down in the Implementing Rules.
- (4) The Education Programme, its structure, organisation and functioning may be assessed and may be changed (Amendments). Amendments will enter into force at the beginning of the course cycle following their enactment.
- (5) The number of participants to be admitted to the Education Programme will be determined individually for each course cycle.
- (6) The Education Programme, its structure, organisation and functioning, as well as the courses, will be governed in accordance with the legal framework applicable to the European Union Intellectual Property Office (EUIPO) as well as these Rules of Governance and the Implementing Rules referred to in these Rules of Governance.
- (7) The Education Programme will be overseen by the Executive Director of the EUIPO, a Steering Committee and an Examination Board, as well as any other body mentioned in these Rules of Governance and the Implementing Rules. Their roles and responsibilities, as well as their rights and obligations are subject to these Rules of Governance, the Implementing Rules or any other provisions referred to in these Rules.
- (8) The training provided by the Education Programme will be delivered both through face-to-face and e-learning sessions. The details will be laid down in the Implementing Rules.
- (9) The course cycle will end with a final examination. The successful participants will be awarded a certificate. The certificate is not subject to expiry and it cannot be transferred or assigned to any other person in any manner.
- (10) The certificate acquired after successfully completing the Education Programme will in no way entitle any participant to obtain the status of a professional representative through the exception set out in Article 120(4)(a) EUTMR.
- (11) Successful completion of the Education Programme is not a prerequisite for

representing parties before the EUIPO.

Article 2 — Executive Director of the EUIPO

- (1) The Executive Director of the EUIPO may delegate any powers and duties relating to the Education Programme to the Steering Committee.
- (2) The Steering Committee answers directly to the Executive Director for carrying out the delegated duties.

Article 3 — Steering Committee

- (1) The Steering Committee consists of seven members and a Chairperson.
 - a) Three members will be representatives of the EUIPO;
 - b) Two members will be representatives of the User Associations cooperating with the EUIPO;
 - c) Two members will be representatives of the academic community.
- (2) The Steering Committee may propose to the Executive Director of the EUIPO an increase or decrease in the number of members as well as the composition of the Steering Committee regarding paragraph (1)(a) to (c) as it sees fit. All decisions of the Steering Committee regarding the number of its members and its composition require a majority of votes to be given. The Steering Committee will be quorate to decide upon the number of its members and its composition when at least one member of all the groups mentioned in paragraph (1)(a) to (c) is present for the voting.
- (3) The Steering Committee will be chaired by a Chairperson appointed by the Executive Director of the EUIPO.
- (4) The Chairperson of the Steering Committee will have discretion over appointing Special Advisors to the Steering Committee. These Special Advisors will only enjoy an observer status and may not participate in the decision-making processes of the Steering Committee. The Chairperson of the Examination Board is considered a Special Advisor by virtue of the office.
- (5) The three members representing the EUIPO will be appointed by the Executive Director, at the proposal of the Chairperson.
- (6) The members representing User Associations and the academic world will be nominated by the corresponding institutions. The said nominees will be appointed as members of the Steering Committee by the Executive Director of the EUIPO.
- (7) The term of office of the Chairperson and of the members of the Steering Committee

will be specified in the Implementing Rules. The Steering Committee will hold at least one ordinary meeting per year. Extraordinary meetings may be held should the need arise.

- (8) The Steering Committee will be convened by its Chairperson.
- (9) All decisions of the Steering Committee will be taken by a majority of the votes given unless otherwise stated. The Chairperson will have a casting vote.
- (10) The Chairperson may decide that a proposal is to be dealt with by means of a written procedure. The rules in paragraph (8) of this Article will also apply to decisions taken by means of a written procedure.
- (11) Any details regarding the organisation and functioning of the Steering Committee will be specified in the Implementing Rules.

Article 4 — Duties of the Steering Committee

- (1) The Steering Committee will advise the Education Programme in terms of the outline and design of the programme. It will provide guidance regarding the selection process of the candidates, the curriculum, the selection of the teachers (the Faculty), the pedagogical aspects of the programme and the examinations.
- (2) The Steering Committee may propose amendments to these Rules of Governance to the Executive Director of the EUIPO.
- (3) The Steering Committee will enact and amend the Implementing Rules, which will further regulate details of the course and of the examination process.
- (4) The Steering Committee will appoint the members and the Chairperson of the Examination Board.
- (5) The Steering Committee will perform other duties specified in the Implementing Rules.

Article 5 — Examination Board

- (1) The number of members of the Examination Board will be determined in the Implementing Rules. The following groups must be represented on the Examination Board:
 - a) legal practitioners;
 - b) statutory staff of the EUIPO;
 - c) the academic community.

- (2) The term of the Chairperson and of the members of the Examination Board will be specified in the Implementing Rules.
- (3) If a member of the Examination Board ceases to be a member, a new member will be appointed in accordance with paragraph (1) of this Article and Article 4(4) to serve the remainder of the term of office.
- (4) The members of the Examination Board will be independent in the execution of their duties and in taking decisions on examination results.

Article 6 — Duties of the Examination Board

- (1) The Examination Board will advise the Steering Committee on the conduct and results of the examination.
- (2) The Examination Board will perform the following duties in the examination process:
 - a) preparation of examination materials;
 - b) correction and marking of examinations;
 - c) decide on appeals against the results of the examination.
- (3) The members of the Examination Board may assign some of their tasks to a third party. The scope of the delegation and the delegated person(s) must be approved by the Steering Committee. Details of the delegation will be outlined in the Implementing Rules.
- (4) Any details regarding the duties performed by the Examination Board and its organisation will be regulated in the Implementing Rules.
- (5) The Examination Board may perform other duties assigned to it in the Implementing Rules.

Article 7 — Admission Criteria

- (1) Participation in the Education Programme will be subject to fulfilling the admission criteria, acceptance on the course and payment of the course fee.
- (2) The participants will be registered for the Education Programme on their request, provided that they are, either:
 - a) legal practitioners (lawyers) qualified in one of the Member States of the European Economic Area and having their place of business within the European Economic Area, to the extent that they are entitled, within the said Member State, to act as a representative in trade mark matters,

- b) professional representatives admitted and entered on the lists maintained by the EUIPO, in accordance with Article 120(1)(b) EUTMR and Article 78(1)(b) CDR.
- (3) Paragraph (2)(a) of this Article applies to members of countries that seek membership of the European Economic Area or the European Union once the accession agreement has been signed by the contracting parties.
- (4) The participants may be required to submit the appropriate documents that prove the fulfilment of the admission criteria.
- (5) The details of the enrolment will be laid down in the Implementing Rules.

Article 8 — Course Fee

- (1) Participation in the Education Programme is subject to a fee.
- (2) The fee payable to the EUIPO for participation in the Education Programme will be determined by the Executive Director of the EUIPO, at the proposal of the Steering Committee.
- (3) The fee will cover participation in the course, including the final examination.
- (4) The fee will not cover any expenditure not expressly mentioned in these Rules of Governance or in the Implementing Rules.
- (5) If the course is not completed by the participant or the examination is not passed successfully, the fee will not be refunded.
- (6) The only exception to paragraph (5) of this Article are possible certified medical causes that prevent completion of the course, for which the participant has submitted the relevant proof in time, as well as in cases of *force majeure*.
- (7) The fee must be paid by the participant within the deadline set in the announcement of the course cycle.
- (8) Further details related to the fee will be regulated in the Implementing Rules.

Article 9 — Languages

- (1) The course programme will be conducted in English.
- (2) In order to be able to follow the courses properly and pass the examination, participants are required to be proficient in both spoken and written English. Having acquired a level of C1 according to the Common European Framework of Reference

for Languages is recommendable.

Article 10 — Pan-European Seal and Young Professionals Trainees

- (1) Any person who, at the date of the start of the course cycle, holds a position as a trainee under the Pan-European Seal or Young Professionals traineeship programmes with the EUIPO and has a legal background will be eligible to take part in the Education Programme free of charge.
- (2) Any further conditions or rules regarding the participation of the trainees mentioned in paragraph (1) will be regulated in the Implementing Rules.

Article 11 — Examination Procedure

- (1) Details of the examination procedure and other relevant information will be regulated in the Implementing Rules.
- (2) If a participant concludes the course cycle with a failing grade, the failed section or sections of the examination procedure may be retaken once in the next course cycle, subject to the conditions laid down in the Implementing Rules.

Article 12 — Appeals

- (1) A participant who concludes the course cycle with a failing grade may appeal to the Examination Board.
- (2) The decision of the Examination Board is final and no further legal remedies are available.
- (3) The details of the appeal process, including grounds for appeal, will be regulated in the Implementing Rules.

Article 13 — Anonymity of Candidates

- (1) The anonymity of candidates must be preserved when their examinations are marked.

Article 14 — Professional Secrecy

- (1) The members and the Chairperson of the Steering Committee and the members and

the Chairperson of the Examination Board will be bound to secrecy both during and after their term of office regarding all matters concerning the preparation of examination papers, the candidates and any relevant deliberations.

Article 15 — Final Provisions

- (1) These Rules of Governance will enter into force upon their approval by the Executive Director.
- (2) Any amendments to these Rules of Governance will be proposed by the Steering Committee and approved by the Executive Director.
- (3) Any issues not regulated or mentioned in these Rules of Governance will be regulated in the Implementing Rules or in any other document referred to in the Implementing Rules.