

## VACANCY NOTICE

The European Union Intellectual Property Office (EUIPO), “the Office”, is seeking candidates to fill three posts of member of the Boards of Appeal of the Office.

Job title	<b>MEMBER OF A BOARD OF APPEAL</b>
Function group/grade	AD 11
Type of contract	Temporary Agent
Reference	EXT/20/42/AD 11/BOA_Member
Deadline for applications	<b>15/07/2020 midnight Alicante time (CET)</b>
Place of employment	Alicante, SPAIN
Date foreseen for taking up duties	As from 01/02/2021

### 1. BACKGROUND

#### Historical and legal background

The Office was established by Council Regulation (EC) No 40/94 of 20 December 1993 (now Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (“EUTMR”)) as a decentralised agency of the European Union (“EU”) to offer IP rights protection to businesses and innovators across the EU and beyond. Council Regulation (EC) No 6/2002 of 12 December 2001 created the registered Community design which is also managed by the Office, and later, Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 entrusted to the Office the European Observatory on Infringements of Intellectual Property Rights.

Since its foundation in 1994 the Office has been based in Alicante, Spain, where it manages the registration of the EU trade mark and the registered Community design, which are valid throughout the EU. The work at EU level also extends to the convergence of tools and practices in cooperation with the partners in national and regional IP offices throughout the EU, users and other institutional partners. Together, these offices constitute the European Union Intellectual Property Network (EUIPN), working jointly to offer users a consistent registration experience, be it at national or at EU level.

The languages of the Office are English, French, German, Italian and Spanish. Nevertheless, certain proceedings may be conducted in other official languages of the European Union.

#### Governance, management and structure of the EUIPO

The governance structure of the EUIPO consists of the Management Board and of the Budget Committee, each composed of one representative from each Member State, two representatives from the European Commission and one representative from the European Parliament. The EUIPO enjoys legal, administrative and financial autonomy.

The Council decides on the appointment of the Executive Director, the Deputy Executive Director(s), and the President and Chairpersons of the Boards of Appeal from a list of candidates proposed by the Management Board. The Management Board is in charge of the

selection and the appointment of members of the Boards of Appeal.

The Executive Director is the legal representative of the Office and responsible for its management, being accountable to the Management Board and the Budget Committee. The Executive Director is assisted by one or more Deputy Executive Directors.

The Office's budget for 2020 is approximately EUR 464 million and the number of posts in the establishment plan is 925.

The EUIPO is organized into several functional departments, each reporting to the Executive Director and/or to the Deputy Executive Director.

Although they are integrated into the Office's administrative and management systems, the Boards of Appeal have been established under EUTMR as a separate unit within the Office to provide an independent review of the Office's decisions, with further appeals being possible to the EU Courts in Luxembourg.

The Boards of Appeal currently consist of one President, four Chairpersons and fifteen members assisted by legal and administrative staff. The President of the Boards of Appeal, the Chairpersons and the members are placed under the authority of the Management Board of the Office. Over 100 staff members work in the Boards of Appeal, including the Registry, the Knowledge and Information Support Service and the Alternative Dispute Resolution Service.

In 2019, 2 988 appeals were filed and 2 507 decisions issued. The President of the Boards of Appeal chairs the Presidium of the Boards of Appeal, which is responsible for laying down the rules and organising the work of the Boards, implements its decisions and allocates the cases to a Board. Each Board of Appeal is chaired by a Chairperson. The President of the Boards of Appeal also chairs the Grand Board.

*For further information please consult the following website:*

<https://euipo.europa.eu/ohimportal/en/home>

## **2. DUTIES**

A member of a Board of Appeal of the EUIPO will be expected to review cases and prepare decisions on appeals against decisions of the first instance of the Office (trade mark or design examination, opposition, cancellation and design invalidity).

Decisions of the Boards of Appeal are taken by three members, at least two of whom must be legally qualified. In certain specific cases, decisions are taken by the Grand Board chaired by the President of the Boards of Appeal or by a single member, who must be legally qualified. The President of the Boards of Appeal and the Chairpersons and members of the Boards of Appeal shall be independent. In their decisions, they shall not be bound by any instructions.

Pursuant to the decisions taken by the Presidium of the Boards of Appeal, members may be appointed to one or several Boards of Appeal.

Subject to the rules laid down annually by the Presidium of the Boards of Appeal for the organization of the work of the Boards, each member of the Boards of Appeal is expected to prepare about 130 draft decisions per year and participate as a third member in the decision making of approximately 200 more cases.

To perform his or her duties, a member is provided with support from legal and administrative staff.

Members may also be called upon to give lectures, participate in conferences and take part in

the activities of the Alternative Dispute Resolution Service.

### 3. ELIGIBILITY CRITERIA

To be admissible for this selection procedure, candidates must fulfil all the following conditions by the deadline for submission of applications:

#### General conditions<sup>1</sup>

- Be a national of one of the Member States of the European Union and enjoy full rights as a citizen;
- Have fulfilled any obligations imposed by the laws concerning military service;
- Meet the character requirements<sup>2</sup> as to suitability for the performance of the duties involved;
- Be physically fit to perform the duties;
- Be able to complete a full 5-year mandate as from the expected date of taking up duties, before reaching retirement age which is set at the end of the month in which the candidate reaches the age of 66<sup>3</sup>. The expected date of taking up the duties is as from 01/02/2021.

#### Education

- Have a level of education which corresponds to completed university studies attested by a diploma, when the normal period of university education is four years or more;

OR

- Have a level of education which corresponds to completed university studies attested by a diploma and professional experience of at least one year when the normal period of university education is at least three years.

#### Professional experience<sup>4</sup>

Have by the deadline for submission of applications a **minimum of 15 years'** professional experience (16 years in the case of having a three year degree) acquired after the date of the relevant degree.

Of these 15 years of professional experience, at least 10 years must have been gained in the field of intellectual property, of which at least 5 years must have been in the area of trade marks and/or designs.

#### Language skills

- Have a thorough knowledge of one of the official languages of the European Union (minimum level C1) – Language 1
- Have a satisfactory knowledge of one of the languages of the Office (minimum level B2)

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<sup>1</sup> Please refer to Article 12 of the Conditions of Employment of Other Servants of the European Union (CEOS)

<sup>2</sup> In particular, the candidate must not have been convicted or found guilty of a criminal offence

<sup>3</sup> In accordance with Article 47(a) CEOS

<sup>4</sup> Professional experience is counted from the date of obtaining the relevant diploma giving access to the function group

to the extent necessary for the performance of the duties – Language 2<sup>5</sup>

The five languages of the Office are English (EN), French (FR), German (DE), Italian (IT) and Spanish (ES). The levels correspond to the [Common European Framework of Reference for Languages](#).

#### 4. SELECTION CRITERIA/ADVANTAGES

In order to select the best-qualified candidates for an interview, the following criteria will be used:

- a) Technical knowledge and experience, and in particular:
  - Professional experience in legal case handling or equivalent activities;
  - Professional judicial experience or experience in litigation, preparation and/or follow-up of court cases;
  - Very good knowledge of IP legislation and case-law, in particular EU trade mark and designs legislation;
  - Very good knowledge of the European IP environment, including counterfeiting and infringement matters;
- b) Languages:
  - Professional experience of working in a language other than the candidate's mother tongue;
  - Thorough knowledge of English (minimum level C1) which may be one of the languages required under eligibility criteria as mentioned under point 3;
  - Thorough knowledge of any other language(s) of the Office (FR, DE, IT, ES) (minimum level C1) apart from the languages mentioned under point 3 of the present vacancy notice;
- c) Other experience and knowledge, in particular
  - Working environment: demonstrated ability to work in a multicultural and/or international environment
- d) Education:
  - Degree or post-graduate degree in law;

In addition to the above criteria, candidates invited to an interview will also be assessed against the following requirements:

- e) Competencies, in particular:
  - Communication: communicate clearly and precisely both orally and in writing;
  - Analysis and problem solving: identify the critical facts in complex issues and develop creative and practical solutions;
  - Working with others: work co-operatively with others in teams and across organisational boundaries and respect differences between people; create a sense of team spirit by encouraging shared goals and exchange of knowledge and experience;
  - Learning and development: develop and improve personal skills and knowledge of the organisation and its environment; commit to train others, share knowledge, and systematically improve working methods;
  - Prioritisation and organization: ability to prioritise the most important tasks, work flexibly and organise own and others' workload efficiently;

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<sup>5</sup> Language 1 and 2 need to be different.

- Quality and results: take personal responsibility and initiative for delivering work to a high standard quality within set procedures; show clear customer orientation (internal and external); build systematic and methodical processes into projects and work of self and own team;
- Resilience: remain effective under work pressure, be flexible and adapt to a changing work environment; encourage others to do the same and adjust own and team's approach to embrace changing circumstances.

## 5. SELECTION PROCEDURE

### General

The selection procedure will be conducted subject to the control of the Management Board of the Office.

### Preliminary work

A Preparatory Subcommittee appointed by the Management Board will conduct a preliminary evaluation of applications and carry out interviews with the best-qualified candidates.

Admissible candidates whose applications rank amongst the best-qualified in accordance with the selection criteria detailed under point 4, may be contacted in order to verify their language skills, as well as to prove their professional experience and/or other skills, knowledge and competencies. Candidates who are contacted during the pre-selection phase will not necessarily be entitled to be invited to an interview; such contact may be used as one of the steps in selecting the most suitable candidates to be invited for an interview. The Preparatory Subcommittee will inform the candidates of the status of the procedure according to the mandate given by the Management Board.

### Interview

Interviews will take place in Alicante. Candidates invited for an interview will be informed well in advance of the date and time. The interview will be held in one of the languages of the Office (EN, FR, DE, IT, ES) other than the candidate's mother tongue as indicated on the application form.

The interview will test the candidate's knowledge and experience of matters relating to the duties to be performed in order to assess her/his suitability to perform the tasks to be accomplished and the suitability to work in an international environment, in accordance with the aspects listed in the present vacancy notice.

Applicants may be required to undergo further interviews or tests in addition to those indicated above.

### Appointment

The Preparatory Subcommittee will draw up a report on the preparatory work for the Management Board, which will appoint the successful candidates to the three posts of member of the Boards of Appeal available.

## 6. CONDITIONS OF EMPLOYMENT

The successful candidate will be appointed by the Management Board of the Office for a term of 5 years. In this regard, please note that the candidate must be able to complete a first full 5-

year mandate before reaching retirement age, i.e.: the end of the month in which he/she reaches the age of 66<sup>6</sup>, from the date upon which it is proposed and agreed to enter into service.

A contract as a member of the temporary staff pursuant to Article 2(a) of the Conditions of Employment of Other Servants of the European Union ("CEOS") in category AD, grade 11 will be offered to the appointed candidate(s).

The current basic monthly salary corresponding to the first step of this grade is EUR 10.244,12. There are additional salary elements reflecting marital status and dependent children. Furthermore, various allowances for removals and travel are provided, as well as accident and health insurance and a pension scheme. Pay is subject to EU tax and other deductions laid down in the CEOS. It is however exempt from any national tax. Dependent children can attend the European School in Alicante free of charge.

The term of office of a member of a Board of Appeal appointed as a result of this selection procedure may be extended for additional 5-year periods in accordance with Article 166(5) EUTMR, or until retirement age if that age is reached during the new term of office after a prior positive evaluation of his/her performance by the Management Board and after consulting the President of the Boards of Appeal.

Employment shall be terminated either at the end of the term or at the request of the appointed candidate, with three months' notice.

### **Independence and declaration of interests**

Pursuant to Article 166 EUTMR, members of the Boards of Appeal shall be independent. They shall not be bound by any instructions in their decisions. Members shall devote themselves fully to the performance of their duties and shall not be guided by personal or national interest, or any outside influences of whatever kind. They may not be removed from office unless there are serious grounds for such removal and the Court of Justice, in accordance with the procedure laid down in Article 166(6) EUTMR, takes a decision to this effect.

The member appointed will thus be required to make a declaration of commitment to act independently in the public interest and to make a declaration in relation to interests which might be considered prejudicial to his/her independence. Applicants must confirm their willingness to do so in their application.

Due to the particular nature of the functions, applicants invited to interviews will be required to sign a declaration relating to their current or future interests that might be considered prejudicial to their independence.

## **7. HOW TO APPLY**

Candidates must use the application form available on the Office's website:

[LINK](#)

Applications may be submitted preferably by e-mail, to the following e-mail address:

[MBBCSecretariat@euipo.europa.eu](mailto:MBBCSecretariat@euipo.europa.eu).

Applications sent by courier should be addressed to:

Chairperson of the Management Board  
EUIPO – European Union Intellectual Property Office  
Avenida de Europa, 4

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<sup>6</sup> In accordance with Article 47(a) CEOS

E - 03008 Alicante  
SPAIN

**Applications must arrive before midnight on 15/07/2020.**

Please note, in particular, that all sections of the form must be completed. An incomplete application form (for example one bearing remarks such as “see CV or motivation letter attached”) will not be taken into account.

Candidates who are invited to an interview (see point 5 “Selection Procedure”) will also be requested to have supplied prior to the interview proof of compliance with the requirements laid down in the present vacancy notice, and other qualifications and experience declared in their application:

- Copy of an identity document (such as passport or ID card);
- Copies of diplomas;
- Copies of certificates relating to the professional experience mentioned in point 3.

Other documents, particularly curricula vitae, will not be taken into consideration. It is to be noted that any qualifications or professional experience which cannot be supported by documentary evidence, such as copies of diplomas or certificates of employment, will be disregarded and that this may result in the application being rejected.

## **8. EQUAL OPPORTUNITIES**

The Office applies a policy of equal opportunities and accepts applications without distinction on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of national minority, property, birth, disability, age or sexual orientation.

## **9. PROTECTION OF PERSONAL DATA**

As the body responsible for organising the selection, the Office ensures that applicants' personal data are processed as required by Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39–98). This applies in particular to the confidentiality and security of such data.

## **10. APPEAL**

If a candidate considers that he/she has been adversely affected by a particular decision, he/she can lodge a complaint under Article 90(2) of the Staff Regulations of Officials of the European Union (“Staff Regulations”), at the following address:

EUIPO – European Union Intellectual Property Office  
Human Resources Department  
Avenida de Europa, 4  
E- 03008 Alicante  
SPAIN

He/she can also submit a judicial appeal under Article 270 of the Treaty on the Functioning of the European Union and Article 91 of the Staff Regulations to the:

General Court  
Rue du Fort Niedergrünewald  
L – 2925 Luxembourg  
LUXEMBOURG

For details on how to submit an appeal, please consult the website of the General Court:  
[https://curia.europa.eu/jcms/jcms/Jo2\\_7033/en/](https://curia.europa.eu/jcms/jcms/Jo2_7033/en/)

## 11. FURTHER INFORMATION

Further information may be obtained from:

Ms. Susana PÉREZ FERRERAS  
Director of the Human Resources Department  
EUIPO – European Union Intellectual Property Office  
Office AA1-P5-A180  
Avenida de Europa 4  
E-03008 Alicante  
SPAIN  
e-mail: Susana.PEREZ@euipo.europa.eu

Applicants are reminded that the work of the Preparatory Subcommittee is confidential. It is forbidden for applicants to make direct or indirect contact with members of this committee, or for anybody to do so, on their behalf.

*\*Any reference in this notice to the male gender must be deemed also to constitute a reference to the female gender.*

*\*If there are discrepancies between the different linguistic versions, the English one should be taken as the correct version.*