

## VACANCY NOTICE

The European Union Intellectual Property Office (EUIPO), “the Office”, is seeking candidates to fill the post of Chairperson of a Board of Appeal of the Office.

Job title	<b>CHAIRPERSON OF A BOARD OF APPEAL</b>
Function group/grade	AD 13
Type of contract	Temporary Agent
Reference	EXT/20/81/AD13/BOA_Chairperson
Deadline for applications	<b>7 January 2021 midnight Alicante time (CET)</b>
Place of employment	Alicante, SPAIN
Date foreseen for taking up duties	As from 1 November 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, the Alternative Dispute Resolution Service and the Litigation 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 chairperson of a Board of Appeal of the EUIPO will be expected to:

- Decide on a large number of cases within reasonable limits and in a collegial way, following the objectives defined annually by the Presidium of the Boards of Appeal;
- Deal with about 650 draft decisions per year and give direction to the Board so that it contributes to develop consistent case law and works efficiently on the disposal of the cases that come before the Boards;
- Participate in the deliberations of the Grand Board and the Presidium of the Boards of Appeal responsible for laying down the rules and organising the work of the Boards;
- Decide to confer the specific cases allocated to the Board to its members;
- Determine the composition of the Board for each appeal and designate a member of his/her Board, or him/herself, as rapporteur;
- Manage the daily work of the Board in cooperation with and under the supervision of the President of the Boards of Appeal;

To perform his or her duties, a chairperson is supported by legal assistants and administrative staff.

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.

### 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 1 November 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' professional experience, at least 10 years must have been gained in the field of intellectual property, of which at least 5 years must be 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) to the extent necessary for the performance of the duties – Language 2<sup>5</sup>

---

<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

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

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) Managerial experience, and in particular:
  - Capacity to lead a team of collaborators
- b) Technical knowledge and/or experience, and in particular:
  - Within legal case handling or equivalent activities, in particular within the context of IP files, and notably, EU trade mark and designs;
  - within judicial and/or litigation areas, as well as preparation and/or follow-up of court cases
  - of mediation and/or arbitration;
  - of IP legislation and case-law, in particular EU trade mark and designs legislation;
  - of the European IP environment, including counterfeiting and infringement matters;
  - in performing technical external communication activities in particular within the field of IP, e.g. addressing conferences, trainings and seminars;
- c) Languages:
  - Professional experience of working in a language other than the candidate's mother tongue;
  - Thorough knowledge of any other language of the Office (EN, FR, DE, IT, ES) (minimum level C1) apart from the languages mentioned under point 3 of the vacancy notice. German would be an advantage;
- d) Other experience and knowledge, in particular
  - Working environment: demonstrated ability to work in a multicultural and/or international environment
- e) Education:
  - Legal qualification (university or post-graduate degree in law, such as an LLM or equivalent);
  - Post-graduate degree in law, economics, social sciences, management of human resources or similar;

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

- f) Competencies, in particular:
  - Communication: Communicate clearly and precisely both orally and in writing, and build consensus to achieve results;
  - 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;
- 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;
  - Leadership: Lead and manage people and teams to achieve results.

## **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 specifications of the mandate given by the Management Board.

### **Interview**

Interviews will take place in Alicante or, subject to specific circumstances, by virtual means. 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 she/he 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 carry out the tasks to be accomplished, 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.

### **List of candidates and appointment**

The Preparatory Subcommittee will draw up a report on the preparatory work for the Management Board, which will decide on the candidates to be placed on the list to be proposed to the Council, pursuant to Article 166 EUTMR. Before being appointed, the candidates selected by the Management Board may be invited to make a statement before any competent European Parliament committee and to answer questions put forward by its members.

## 6. CONDITIONS OF EMPLOYMENT

The successful candidate will be appointed by the Council from a list of candidates proposed 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 13 will be offered to the appointed candidate(s).

The current basic monthly salary corresponding to the first step of this grade is EUR 13.113,98. 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.

Pursuant to Article 166(3) EUTMR, the term of Office of a Chairperson of a Board of Appeal may be extended for additional five-year periods, or until retirement age if this 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. The Management Board shall undertake such assessment, before it shall consider submitting a proposal of extension to the Council. At the first extension of mandate, the Chairperson may be reclassified by the Management Board of the Office, after consulting the President of the Boards of Appeal, in function group AD, grade 14.

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, Chairpersons of a Board of Appeal shall be independent. They shall not be bound by any instructions in their decisions. Chairpersons 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 ground for such removal and the Court of Justice in accordance with the procedure laid down in Article 166 (1) EUTMR, takes a decision to this effect.

The Chairperson 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.

---

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

## 7. HOW TO APPLY

Candidates must use the application form available on the Office's website:  
<https://euipo.europa.eu/ohimportal/en/vacancies>

Applications must be submitted by e-mail, to the following e-mail address:  
[MBBCSecretariat@euipo.europa.eu](mailto:MBBCSecretariat@euipo.europa.eu).

**Applications must arrive before midnight Alicante time (CET) on 7 January 2021.**

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 required by the time of the interview to have supplied the relevant documents supporting the basic requirements laid down, and other qualifications and experience claimed 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 Niedergrünwald  
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 a person of the male sex must be deemed also to constitute a reference to a person of the female sex.*

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