

## CALL FOR EXPERTS

### Judicial training on the EU *acquis* in the field of intellectual property law

---

<b><u>Project:</u></b>	Pilot Action on Judicial Training IPA/2021/425-032 (Western Balkan II Project)
<b><u>Purpose:</u></b>	Design and implementation of a training for a group of judges in the Republic of Montenegro on EU Intellectual Property Law
<b><u>Training institution:</u></b>	Centre for Training in Judiciary and State Prosecution of Montenegro (CTJSP)
<b><u>Location:</u></b>	Montenegro and Homebased
<b><u>Duration:</u></b>	8 working days (September 2024 – February 2025) Design mission to Montenegro: 2 days (September – October) Seminar implementation in Montenegro: 2 days (November 2024 – February 2025) Homebased: 4 days
<b><u>Number of experts:</u></b>	2 (two)
<b><u>Reporting to:</u></b>	Project Leader, Mr. Giovanni Pasqua Project Manager, Ms. Vanja Tekic
<b><u>Deadline for applications:</u></b>	<b>Thursday, 18 July 2024 – 17:00 CET</b>
<b><u>Reference Number:</u></b>	<b>WB/2024/06 - IP</b>

---

#### I. **Project Background:**

*“Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union.”*

The Project was launched in March 2022 for a period of three years. It is implemented within the “IPA II Multi-country Action Programme 2020” and benefits from the financial support of the European Commission’s Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR).

The main goal of the Project is to strengthen the capacities of the judicial training institutions in the Western Balkans for delivery of effective and efficient judicial training to judges and prosecutors on the EU *acquis*, including on the rule of law, with a view to support the enlargement and stabilisation and association process, as well as the Western Balkan Strategy of the European Union.

The Project works across two closely related components. The first component, which identifies the Serbian Judicial Academy (JA) and the Montenegrin Centre for Training in Judiciary and State Prosecution (CTJSP) as the primary beneficiaries of the action, aims to strengthen the already-existing capacities of these institutions to conduct training needs assessments (TNAs) on the EU *acquis*, and therefrom design and implement training on EU law at the national level. The second component facilitates participation of representatives from all Western Balkan IPA II beneficiaries to EJTN events, and specifically targets members of the judiciary who can successfully strengthen institutional ties among the Western Balkan judicial training schools and their EU peers.

The present call seeks out judicial training experts (judges and/or judicial trainers) from European Union Member States who will assist with the implementation of the first component of the Project.

More information about the Project can be found on the EJTN website: [www.ejtn.eu](http://www.ejtn.eu)

## **II. Scope of the Call**

Under direct supervision of the Project Leader and the Project Manager, the Experts will contribute to the achievement of Outcome 1. and Output 1.1., as specified in the Description of Action:

- Outcome 1. – The Montenegrin Centre for Training in Judiciary and State Prosecution (CTJSP) effectively delivers strong, adequate, and efficient judicial training to judges and prosecutors, mainly on EU *acquis*.

*“Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union.”*

- Output 1.2. – CTJSP is able to design, deliver, implement and evaluate strong training programmes on EU *acquis* for judges and prosecutors.

In 2022, a training needs assessment (TNA) on the EU *acquis* was conducted in Montenegro within the framework of the Project. More information about the training needs assessment process and results can be found here: <https://ejtn.eu/news/ejtn-releases-training-needs-assessment-reports-providing-new-insights-for-better-eu-law-training-in-the-western-balkans/>

The TNA provided a foundation for the design and development of the EU law training program which will be implemented in 2024 by CTJSP, and consists of 5 face-to face seminars and 1 online training.

The following seminars are included in the Program:

1. Training of Experts on EU law – Criminal Law (TOEE CRIM)
2. Training of Experts on EU law – Civil Law (TOEE CIVIL)
3. Training of Trainers (TOT)
4. EU Consumer Protection Law
- 5. EU Intellectual Property Law**
6. Roadmap on EU law e-Course

The overall aim of the program is to strengthen CTJSP’s capacities to continue to develop seminars on EU law and embed considerations of EU law in its continuous and initial training offer. To that end, the program targets judicial professionals who are willing and able to support the Centre to develop a cohesive strategy for training on EU law; identify the right priorities and sequence of training provision during the EU accession process, and create relevant and effective courses which draw meaningful parallels between domestic and European law in the field of specialization. At the end of the program, CTJSP should be able to rely on a core group of trainers specialised in EU law who can continue to lead the process of training in this area.

The program also aims to foster the establishment of quality criteria for EU law training and provide the Centre with the necessary tools to avoid inconsistent, *ad hoc* training provision and variations in quality. To that end, each seminar will adopt a common approach, ensuring that participants receive not only knowledge and skills on the subject-matter, but best-practice guidelines and methodologies for developing future training on EU law. The exact modality of training is described in more detail in section III. Training Description.

*“Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union.”.*

Each seminar will be designed and carried out jointly by domestic judicial trainers from Montenegro and leading experts from EU Member States (judges and/or judicial trainers) with vast experience in training in the area of EU law. **Each seminar will be implemented over 1½ days and target a group of 20 participants.** The training will be implemented in Montenegro, in the Montenegrin language, with simultaneous interpretation provided by the Project.

**The present call seeks out 2 (two) judicial training experts from EU Member States who will assist with the design and implementation of the seminar “EU Intellectual Property Law” in Montenegro.**

### III. Training Description

The training will provide a detailed presentation of EU intellectual property law, with reference to EU legislation, relevant case law of the Court of Justice of the European Union (CJEU) and examples from other national jurisdictions. The training will develop participants skills needed to find relevant sources of EU law, and incorporate interactive case studies and judicial reasoning workshops.

**The training program will provide an introduction to European intellectual property law, with a particular focus on the European Patent Convention and/or other aspects of industrial property:**

- EU and international legal framework
- Trademarks and designs
- Geographical indications
- Copyright and the digital age
- Patent law and litigation
- Intellectual property exhaustion
- Intellectual property licensing
- Cross border litigation and enforcement of intellectual property rights
- Procedural issues in court proceedings

At the end of the training, the participants should be able to find the relevant case law of the CJEU on their own, identify and understand key judgments of the CJEU and the EU legal framework in the area of intellectual property, as well as to what extent their national law is already harmonized with the EU legal framework.

*“Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union.”.*

The training will be practical and interactive, and tailored to the national environment. After a short introduction, the participants will be divided into small working groups and work on concrete cases, both cases that have already been considered by the CJEU, as well as cases especially prepared for this training, which will take into account the daily needs of judges in Montenegro when deciding on these disputes (in domestic disputes and disputes with an international element).

**Target Group: Judges, judicial trainers**

**Number: 20 participants**

**Training Duration: 1,5 days**

#### **IV. Scope of the Work**

Each Expert will work for 8 days, during which (s)he will conduct 2 two-day missions to Montenegro (1 for design and 1 for implementation).

During the assignment, the Experts will lead the process of design and implementation of the training and provide necessary supporting materials (e.g., Regulations, Directives, jurisprudence of the CJEU, relevant national case law and good practices from EU Member States, materials for training on judicial skills and judicial training methodologies, and any other written content needed to implement the training, such as assignment forms, evaluation forms, etc.).

Experts will work jointly with domestic trainers on elaborating quality written content which can be reused and made available for wider distribution by the CTJSP. The training materials should incorporate modern e-learning techniques which make learning unexpected and engaging and enable participants to evaluate their progress (e.g., pre- and post- multiple-choice module testing, branched scenarios).

Experts will also support national judicial trainers to adapt the seminar to the national legal environment and discern priorities from the above-mentioned subtopics to be covered in the practical workshops. Each seminar will be tailored to the Montenegrin judicial and legal system and consider the status of the EU integration process in the country.

#### **V. Main Tasks and Responsibilities:**

- Support CTJSP and the appointed national judicial trainers in Montenegro to design the seminar “*EU Intellectual Property Law*”, and to that end, be responsible for the content

*“Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union.”.*

development, including the substantive legal content and the methodological and andragogical aspects of training design;

- Work closely with the national trainers in Montenegro to tailor the training content to the domestic legal environment and judicial culture, especially taking into account the approximation of national law to the EU *acquis* and the immediate training needs of judges in Montenegro;
- Support national trainers to prioritize the sub-topics of training from the list of legal subjects identified during the 2022 training needs assessment, and, if necessary, review documents and/or conduct additional interviews to prioritize the legal content and maximise the impact of the training;
- Provide state-of-the-art expertise on judicial training, including best approaches to design of case studies, judicial reasoning, legal research and other practical workshops for adult learning;
- Together with the national trainers, co-create a well-documented and comprehensive training package, including assignments and examinations for evaluating participants' progress, and ensure that such materials are compatible with self-paced online learning. For example, the training materials: 1) divide content into logically defined sections or modules, which contain both lecture style material designed to transfer new concepts or “know how” to the learner and exercises designed to encourage “learning by doing”, 2) facilitate and enable the use of modern techniques for learning, such as branched scenarios<sup>1</sup>, which make learning unexpected and engaging, 3) enable participants to evaluate their progress, most commonly through multiple-choice pre- and post- module testing, and 4) include a range of media, to keep learners engaged with the content while learning in isolation;
- Participate in the development of video or audio training materials by the Project, especially by recording presentations; and/or review such content to ensure accuracy and compatibility with training objectives;
- Present lecture materials and facilitate workshops on judicial training during the seminar which will be held in Montenegro from November 2024 to February 2025;
- Consider the target audience throughout the assignment and, to that end, adjust training content and lecture style to reflect the level of seniority, knowledge and skills of the participants;
- Review and apply EJTN and other relevant judicial training standards throughout the assignment; and

---

<sup>1</sup> Branched scenarios use real-life examples to display content and test knowledge of learners by challenging them to make a decision - new situations and choices are then presented based on the preceding decision made by the learner. Branched scenarios teach learners about the immediate consequences of their decisions and reactions.

*“Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union.”.*

- Report regularly on the progress made and difficulties encountered to the Project Leader and Project Manager.

## **VI. Deliverables**

- Training package, including well-documented written materials relating to the topic of the training as described above in *sections III. Training Description, IV. Scope of Work and V. Main Tasks and Responsibilities*;
- Post-event reports with conclusions and recommendations for further actions on the basis of a model to be provided by the Project Leader and Project Manager.

## **VII. Eligibility Criteria:**

### Essential:

- Judge and/or judicial trainer from an EU Member State with proven practical experience in design and implementation of judicial training in the field of EU intellectual property law;
- Holistic and in-depth knowledge of European integration in the field of intellectual property law, with a thorough understanding of the EU legal framework and the jurisprudence of the CJEU;
- Practical experience of working as a judge and/or judicial trainer in the field of intellectual property law;
- In-depth, state of the art knowledge of judicial training methodologies and judicial training on the EU *acquis*;
- Excellent communication skills and ability to transfer knowledge to others; and
- Excellent written and oral command of English.

### Advantageous:

- Knowledge of and/or experience applying EJTN's handbooks, guidelines and principles on judicial training and evaluation;
- Experience in capacity building projects, adaptation of EU law training to EU candidate countries and/or identification of priorities and sequence of training provision during the EU accession process; and
- Knowledge and experience of the Montenegrin judicial system or Montenegrin language.

*"Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union."*

## VIII. Duration of Assignment

It is expected that the assignment will commence in September 2024.

Each Expert will work for a period of 8 working days on the design and implementation of the training, from September 2024 to February 2025.

The exact dates of the visits to Montenegro are to be confirmed after Experts' appointment and in agreement with the Centre for Training in Judiciary and State Prosecution of Montenegro and national judicial trainers.

## IX. Location

Home-based (4 working days) with travel to Montenegro (4 working days, 2 two-day missions).

## X. Remuneration

The Experts will receive expert fees charged on a per working day basis of 360€ for services rendered, and travel and subsistence allowances (per diems) for participation to meetings abroad in accordance with the EJTN scheme.

More information about the EJTN scheme can be found here: <https://ejtn.eu/wp-content/uploads/2023/02/EJTN-Corporate-Financial-Policy-2023-2.pdf>

## XI. Application Rules / Selection process

All interested applicants are hereby invited to send their applications via email to [vania.tekic@ejtn.eu](mailto:vania.tekic@ejtn.eu) no later than the **18 July 2024** – 17:00 CET.

The subject of the email should include the reference to this call (WB/2024/06 Intellectual Property), followed by the candidate's surname.

The application needs to contain the following:

- Letter of interest; and
- CV outlining relevant knowledge and experience.

*"Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union."*



Applicants should indicate if they have any significant schedule restrictions in the period from September 2024 to early February 2025 which may restrict their ability to travel to Montenegro.

All submitted applications will be assessed against the eligibility criteria described in Section VII.

The shortlisted candidates will be invited to participate in interviews, which will be held from July to August 2024.

The contract will be awarded to the most suitable Experts for the position based on the knowledge, skills and expertise as demonstrated in the selection process.

Candidates will be informed about the outcome of the appointment in August 2024.

## **XII. Code of Conduct and Disclaimers**

The applicant once appointed shall work as an Expert of the Project and present themselves as such in his or her professional capacity when dealing with matters related to the Project. This should also be reflected in any communication, publication, article, interviews, or whenever his or her name is mentioned. In all written articles, papers, interviews, publications, etc. the usual disclaimer shall appear as follows: *“The contents and views expressed herein reflect only those of the expert(s) and the European Commission is not responsible for any use that may be made of these contents and views”*.

The advice provided to the project partners will be non-prescriptive. Against this background, the Expert will avoid giving the impression that the provided advice represents the perceptions of the European Union, the European Commission or EJTN.

The Expert shall strictly consider the following confidentiality rules: No information or advice stemming from or relating to the assignment is to be communicated to any other organisation(s) or individual(s) without prior consent of the EU Commission and EJTN. No public statement or presentation is to be made without prior agreement with the European Commission and EJTN.

*“Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of EJTN and can under no circumstances be regarded as reflecting the position of the European Union.”*