

**U.S. EMBASSY KUWAIT
VACANCY ANNOUNCEMENT NO. 015-15**

OPEN TO: ALL INTERESTED CANDIDATES

POSITION: OFFICIAL TITLE: LEGAL ADVISOR
WORKING TITLE: Intellectual Property Rights Specialist
FSN-1905-11*; FP-04**

OPENING DATE: March 31, 2015

CLOSING DATE: May 28, 2015

WORKING HOURS: FULL-TIME; 40 hours/week

SALARY: Full Performance Level:
Not-Ordinarily Resident (NOR):
Position Grade: FP-04 (Starting Salary)
US\$ 53,534 p.a.

Ordinarily Resident (OR): KD 15,346 p.a. (Starting Salary)
(Position Grade: FSN-11)

IMPORTANT NOTE

All U.S. Citizens (USEFMs, EFM's or MOH's as defined below) of U.S. Government Employees assigned to the Mission and under Chief of Mission (COM) authority are eligible for consideration. A U.S. Citizen EFM does not have to be residing in country to be considered but the sponsoring officer under COM authority does have to be officially assigned to post.

ALL ORDINARILY RESIDENT (OR) APPLICANTS (See Appendix A) MUST HAVE THE REQUIRED WORK AND/OR RESIDENCY PERMITS TO BE ELIGIBLE FOR CONSIDERATION.

The U.S. Embassy in Kuwait is seeking individual for employment in the position of Legal Advisor in the Foreign Commercial Service.

BASIC FUNCTION OF THE POSITION

This is a high level senior FSN position in the U.S. Patent and Trademark Office/Foreign Commercial Service (USPTO/FCS) office in Kuwait City. The incumbent is the principal advisor on all aspects of Intellectual Property Rights (IPR) issues for Middle East and North Africa countries with responsibility and coverage of: Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, United Arab Emirates, and Yemen. The incumbent is responsible for advising, monitoring, analyzing, and reporting on IPR matters. The incumbent needs to evaluate and prioritize IPR developments in his/her region of responsibility by determining which IPR developments are most likely to affect U.S. interests and U.S. businesses. Incumbent is also responsible for developing, organizing, presenting, and assisting in a variety of USPTO capacity building initiatives, including technical assistance programs, training seminars, and conferences on IPR protection, enforcement, and administration. In addition, the incumbent advises U.S. staff and visiting delegations on meetings with the relevant government officials and industry representatives, and accompanies officers and visiting delegations to such meetings while providing necessary support.

Incumbent advises the USPTO team at Post on all policy and program matters, including preparation of the Post Action Plan and performance reports for his/her region of responsibility. Incumbent operates with the highest degree of independent judgment to promote and advocate for U.S. government (USG) on priority IPR, regulatory, and trade issues.

The incumbent is also responsible for developing and maintaining an extensive range of senior level contacts with business organizations, chambers of commerce, industry associations, and government ministries or offices that have responsibility for IPR-related issues. Incumbent directly manages the USPTO Commercial Assistant and is responsible for the design and management of USPTO programs in the Middle East and North Africa. Substantial reliance is placed on incumbent's professional expertise, knowledge of local and international laws, and regulatory practices for achieving USG's objectives in the area of IPR in the Middle East and North Africa.

Duties Include

USPTO Program Design and Management: participate in the formulation of Post's action plan for USPTO's mission of promoting high standards of IPR protection and enforcement in the host countries. Identify and prioritize IPR issues to be advocated for by the USG in the host countries. Analyze the host countries' IPR laws and policies, as well as international treaties, to identify areas of concern for the USG and U.S. business. Participate in the formation of the USPTO headquarters Master Action Plan for the Middle East and North Africa and provide input into the Intellectual Property Enforcement Coordinator (IPEC) Action Plan for the Region, and Special 301 countries. Work with the host governments to improve host countries' IPR legal and regulatory framework including IPR protection, administration, and enforcement. Assess, strategize, and identify solutions to improve the host countries' IPR regimes through various mechanisms, including bilateral and multilateral discussions, and capacity building programs. Engage with stakeholders and partners to design initiatives, including policies, human resource development, technical assistance, and education programs, to advance USG positions on the issues. Work with USG interagency teams at Post and headquarters to formulate USG's policy positions on the host countries' IPR laws and policies. Serve as the American Officer's key advisor at briefing sessions with U.S. and business executives on IPR issues in the Middle East and North Africa. Work with the Ambassador, the team at Post, and the regional team at headquarters to coordinate advocacy of USG's position on key IPR issues in the region. Provide input on Memoranda of Understanding (MoUs) to be signed between the U.S. and governments of other Middle East and North Africa countries, and draft appropriate memoranda for USPTO headquarters and its Office of General Counsel. Personally deal with difficult and sensitive IPR matters, phone calls, and visitors. Work with the American Officer and the Commercial Assistant to manage the USPTO program budget for the Middle East and North Africa.

Monitoring, Reporting, and Analysis: Monitor, analyze, and provide expert-level reporting on legislative and policy developments relating to IPR protection, enforcement, and administration. Monitor, analyze, and provide expert-level reporting on judicial and administrative decisions relating to IPR protection, enforcement, and administration by regularly reviewing judgments at the Supreme Court, Appellate, and District Court levels. Conduct independent research on complex legal issues and host government policies, and provide summaries on issues likely to affect USG interests in the areas of international trade and IPR for the American Officer and USPTO headquarters. Provide input on various IPR-related USG reporting documents including Post's recommendations on Special 301 cable, Country Commercial Guide, and Investment Climate cables. Assist the U.S. Trade Representative (USTR) and the Commercial Law Development Program (CLDP) with drafting IPR legislation for developing countries in the region, and provide comments for incorporation in official USG responses to pending host country legislation. Analyze and report on IPR developments in the Middle East and North Africa to the interagency USG team and the Post IPR Working Group through different mechanisms, including USPTO's monthly interagency newsletter, reporting cables, and industry newsletters. Prepare briefing materials for high level USG officials, including USPTO officials, USTR, International Trade Administration (ITA), and State Department. Draft IPR toolkits and other documents to help stakeholders and U.S. businesses understand the laws and regulations of the host countries.

Outreach, contacts, and developing tools for supporting overall activities of USPTO in the region: develop and maintain relationships with officials at the senior-most level in host governments who have responsibility for IPR-related issues. Maintain contacts with relevant USG officials in the Embassies and Consulates in the Middle East/North Africa region who have responsibility for handling IPR issues. Advise and assist the American Officer in identifying areas of cooperation with different organizations and stakeholders. Coordinate with the U.S. Embassy and Consulate officers and LES in the Middle East/North Africa region on IPR-related policies and activities. Organize meetings with relevant government officials and industry representatives, and accompany officers and visiting delegations to such meetings by providing support, including by serving as an interpreter and note-taker as necessary to facilitate communication. Maintain contact with counterparts in other embassies to monitor and analyze their positions and plan joint advocacy efforts as appropriate.

Capacity Building, Education, and Programs: identify opportunities and partners, and conceptualize, develop, organize, coordinate, and assist in implementing technical assistance, training seminars, conferences, and IPR capacity-building initiatives. Participate in these programs to educate stakeholders about IPR issues. Deliver lectures and prepare content (articles, PowerPoint presentations, etc.) on IPR issues for USPTO programs. Prepare remarks and speeches for USPTO and other USG officials on IPR topics. Negotiate detailed arrangements for such programs, including all logistical elements such as developing agendas, budgets, schedules, lists of participants and attendees, transportation, and program materials. Coordinate such activities with government counterparts, USPTO headquarters, the Embassy's IPR team, IPR-related non-governmental organizations, and private industry. Budgeting authority for contracted-out goods and services up to 10,000 USD is authorized. Assist in organizing contracted-out goods and services not within his/her specific budgeting authority.

Assist Mission (CS Kuwait) staff in resolving commercial issues and disputes involving IPR: facilitate and support the American Officer and other U.S. officials in resolving commercial IPR-related issues and disputes by providing information about the legal and regulatory framework of the host country. Provide access to relevant government officials and industry representatives who have responsibility for IPR-related issues to help resolve such disputes.

QUALIFICATIONS REQUIRED

All applicants must address each selection criterion detailed below with specific and comprehensive information supporting each item.

1. Possession of a University Degree in Law. Education requirement in the U.S. for obtaining a Law degree consists of 4 years of University (Bachelor) study with an addition of 3 years of Law School. (Typically a U.S. Law degree can be obtained after 7 years of University).
2. Five years of progressively legal research and advisory responsibility in the area of intellectual property, dealing with copyright, or enforcement issues where the application of principles governing protection of IPR, incl. copyright, patents, trademarks, regulatory approval systems for pharmaceutical, agrochemical, and biotechnology products.
3. Level IV (fluent) Speaking/Reading/Writing English, and Arabic. Language skills will be tested.

4. Should have expert knowledge in at least two fields of IPR law, and general knowledge of the principles governing protection of IPR, including patents, trademarks, copyrights, and trade secrets. Should have standard knowledge of the international agreements governing IPR, e.g. Trade Related Aspects of Intellectual Property Rights (TRIPS) and treaties administered by World Intellectual Property Organization (WIPO) in order to monitor the host countries' implementation of trade agreements, and to assess the host countries' compliance with international trade obligations. Should have knowledge of the relevant laws and regulations, including IPR office operation and administration and adherence to IPR standards of protection and enforcement for the Middle East and North Africa countries. Six months of experience in performing budget management duties.
5. Should have strong inter-personal skills to maintain contacts and manage teams. Should have exceptionally strong communication skills to interpret and analyze complex legal projects and situations; to recommend and articulate further course of action quickly and clearly; prepare precise and accurate reports embodying in-depth analytical and legal evaluation; and to render advice with detachment and objectivity, employing sound professional judgment.

SELECTION PROCESS

When fully qualified, U.S. Citizen Eligible Family Members (USEFMs) and U.S. Veterans are given preference. Therefore, it is essential that the candidate specifically address the required qualifications above in the application.

NOTE: Only qualified applicants will be called for a test/interview.

ADDITIONAL SELECTION CRITERIA

1. Management will consider nepotism/conflict of interest, budget and residency status in determining successful candidacy.
2. Current employees serving a probationary period are not eligible to apply.
3. Current Ordinarily Resident employees with an Overall Summary Rating of Needs Improvement or Unsatisfactory on their most recent Employee Performance Report are not eligible to apply.
4. Currently employed U.S. Citizen EFM's who hold a Family Member Appointment (FMA) are ineligible to apply for advertised positions within the first 90 calendar days of their employment.
5. Currently employed NORs hired under a Personal Services Agreement (PSA) are ineligible to apply for advertised positions within the first 90 calendar days of their employment unless currently hired into a position with a When Actually Employed (WAE) work schedule.

TO APPLY

Interested applicants for this position **must** submit the following for consideration of the application:

1. Universal Application for Employment (UAE) as a Locally Employed Staff or Family Member (DS-174), which is available on the Embassy's websites: <http://nea.p.state.sbu/sites/kuwait> ; <http://kuwait.usembassy.gov/> **OR**

2. A current résumé or curriculum vitae that provides the same information found on the UAE (DS-174) (see Appendix B); **OR**
3. A combination of both (i.e., Sections 1-24 of the UAE along with the listing of the applicant's work experience attached as a separate sheet); **AND**
4. Copy of high school certificate/university degree (per the qualification requirement above); **AND**
5. Copy of the Civil ID or passport (including the residence permit page); **PLUS**
6. Candidates who claim U.S. Veterans preference must provide a copy of their Form DD-214 with their application. Candidates who claim conditional U.S. Veterans preference must submit documentation confirming eligibility for a conditional preference in hiring with their application.

SUBMIT APPLICATION (BEFORE THE CLOSING DATE) TO:

Human Resources Office
U.S. Embassy Kuwait
Bayan, Block 13, Al-Aqsa Mosque Street

OR

Email the application to: HROKuwait@state.gov

NOTE: Incomplete or late applications will not be considered.

POINT OF CONTACT

Human Resources Office
Telephone: 2259-1001

CLOSING DATE FOR THIS POSITION: COB May 28, 2015

The U.S. Mission in Kuwait provides equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex, national origin, age, disability, political affiliation, marital status or sexual orientation. The Department of State also strives to achieve equal employment opportunity in all personnel operations through continuing diversity enhancement programs.

The EEO complaint procedure is not available to individuals who believe they have been denied equal opportunity based upon marital status or political affiliation. Individuals with such complaints should avail themselves of the appropriate grievance procedures, remedies for prohibited personnel practices and/or courts for relief.

Appendix A DEFINITIONS



This diagram demonstrates how an Appointment Eligible Family Member (AEFM) is also a U.S. - citizen Eligible Family Member (USEFM).

1. **Eligible Family Member (EFM)**: An individual related to a U.S. Government employee in one of the following ways:

- Spouse or same-sex domestic partner (as defined in [3 FAM 1610](#));
- Child, who is unmarried and under 21 years of age or, regardless of age, is incapable of self-support. The term shall include, in addition to natural offspring, stepchildren and adopted children and those under legal guardianship of the employee or the spouse when such children are expected to be under such legal guardianship until they reach 21 years of age and when dependent upon and normally residing with the guardian;
- Parent (including stepparents and legally adoptive parents) of the employee or of the spouse, when such parent is at least 51% dependent on the employee for support;
- Sister or brother (including stepsisters and stepbrothers or adoptive sisters or brothers) of the employee, or of the spouse, when such sibling is at least 51% dependent on the employee for support, unmarried and under 21 years of age, or regardless of age, incapable of self-support.

2. **U.S. Citizen Eligible Family Member (USEFM)**: For purposes of receiving a preference in hiring for a qualified position, an EFM who meets the following criteria:

- U.S. Citizen; and,
- EFM (see above) at least 18 years old; and,
- Listed on the travel orders of a direct-hire Foreign, Civil or uniformed service member assigned to or stationed abroad with a USG agency that is under COM authority, or at an office of the American Institute in Taiwan; and either:
 - a) Resides at the sponsoring employee's or uniformed service member's post of assignment abroad or at an office of the American Institute in Taiwan; or
 - b) Resides at an Involuntary Separate Maintenance Allowance (ISMA) location authorized under 3 FAM 3232.2.

3. **Appointment Eligible Family Member (AEFM)**: EFM (see above) eligible for a Family Member Appointment for purposes of Mission employment:

- Is a U.S. citizen; and
- Spouse or same-sex domestic partner (as defined in [3 FAM 1610](#)) or a child of the sponsoring employee who is unmarried and at least 18 years old; and
- Is listed on the travel orders or approved Form OF-126, Foreign Service Residence and Dependency Report, of a sponsoring employee, (i.e., a direct-hire Foreign Service, Civil Service or uniformed service member who is permanently assigned to or stationed abroad at a U.S. mission, or at an office

of the American Institute in Taiwan (AIT), and who is under chief of mission authority); and

- Is residing at the sponsoring employee's post of assignment abroad or, as appropriate, office of the American Institute in Taiwan.
- Does not receive a Foreign Service or Civil Service annuity.

4. Member of Household (MOH): An individual who accompanies a direct-hire Foreign, Civil or uniformed service member permanently assigned or stationed at a U.S. Foreign Service post or establishment abroad, or at an office of the American Institute in Taiwan. An MOH is:

- Not an EFM; and,
- Not on the travel orders of the sponsoring employee; and,
- Has been officially declared by the sponsoring USG employee to the COM as part of his/her household.

An MOH is under COM authority and may include a parent, unmarried partner, other relative or adult child who falls outside the Department's current legal and statutory definition of family member. An MOH does not have to be a U.S. Citizen.

5. Not Ordinarily Resident (NOR) – An individual who:

- Is not a citizen of the host country; and,
- Does not ordinarily reside (*OR*, see below) in the host country; and,
- Is not subject to host country employment and tax laws; and,
- Has a U.S. Social Security Number (SSN).

NOR employees are compensated under a GS or FS salary schedule, not under the LCP.

6. Ordinarily Resident (OR) – A Foreign National or U.S. citizen who:

- Is locally resident; and,
- Has legal, permanent resident status within the host country; and,
- Is subject to host country employment and tax laws.

EFMs without U.S. Social Security Numbers are also OR. All OR employees, including U.S. citizens, are compensated in accordance with the Local Compensation Plan (LCP).

Appendix B

If an applicant is submitting a resume or curriculum vitae, s/he must provide the following information equal to what is found on the UAE. **Failure to do so will result in an incomplete application.**

- A. Position Title
- B. Position Grade
- C. Vacancy Announcement Number (if known)
- D. Dates Available for Work
- E. First, Middle & Last Names as well as any other names used
- F. Current Address, Day, Evening and Cell phone numbers
- G. U.S. Citizenship Status (*Yes or No*) & status of permanent U.S. Resident (*Yes or No*; if yes, provide number)
- H. U.S. Social Security Number and/or Identification Number;
- I. Eligibility to work in the country (*Yes or No*)
- J. Special Accommodations the Mission needs to provide (*Yes or No; if yes, provide explanation*)
- K. If applying for position that includes driving a U.S. Government vehicle, Driver's License Class/Type
- L. Days available to work
- M. List any relatives or members of your household that work for the U.S. Government (include their Name, Relationship;, Agency, Position, Location)
- N. U.S. Eligible Family Member and Veterans Hiring Preference
- O. Education
- P. License, Skills, Training, Membership & Recognition
- Q. Language Skills
- R. Work Experience
- S. References