

Job - PhD position within the EIPIN Innovation Society
ITN/EJD Marie Skłodowska Curie project,
University of Augsburg,
Munich Intellectual Property Law Center (MIPLC)



Job expires on 29 March 2017, 23.59 CET

PhD position

Specifications

Location	Munich Intellectual Property Law Center (MIPLC), Max Planck Institute for Innovation and Competition, Marstallplatz 1, 80539 Munich, Germany
Function types	PhD positions
Scientific fields	Humanities or social sciences, legal studies
Hours	40:06 hours per week
Salary	Around 2,750.00 Euros gross per month (mobility allowance included), depending on individual circumstances. If applicable, an additional family allowance of around 400,00 Euros per month will be paid. There will be 12 payments per year.
Education	University Graduate
Job number	EIPIN Innovation Society ESR 7
Translations	en
About employer	The University of Augsburg . The PhD candidates will be working from an office shared with other PhD students at the Munich Intellectual Property Law Center (MIPLC) in downtown Munich. The MIPLC is a cooperative venture of the University of Augsburg, the Max Planck Institute for Innovation and Competition, the Technical University of Munich, and the George Washington University, Washington DC, USA. It offers the renowned LL.M. program "Intellectual Property and Competition Law" and engages in cutting-edge research in these domains.
Short link	www.miplc.de

Job description

EIPIN Innovation Society is a comprehensive project at the forefront of multidisciplinary research, examining the role of intellectual property (IP) as a complex adaptive system in innovation. The ambition is to enhance Europe's capacity to foster innovation-based sustainable economic growth globally. The primary research objective of the programme is to provide political leaders and stakeholders reliable conclusions and recommendations in the form of doctoral IP research on how to deal with the adaptive complexities of innovation cycles that secure economic benefits and uphold justice in the innovation society.

Fifteen Early Stage Researchers (ESRs) are trained to present their research findings on a number of topics of great societal interest, and to guide inventors and entrepreneurs through the lifecycle of IP-intensive assets that takes human creativity into the marketplace. The research and training programme provides for an unprecedented environment for ESRs that aims at educating a new generation of professionals and academic researchers who are properly equipped to face these challenges of fostering innovation-based growth. It consists of a research and a training part, which are closely connected and mutually inform each other.

The involvement of industry associations representing numerous undertakings provides great access to non-academic actors. The ESR positions are open to candidates from all domains of sciences, providing a solid foundation for cross-cutting research in the area of innovation policies, while overcoming a traditional separation of disciplines.

The EIPIN Innovation programme, coordinated by Maastricht University, is a Marie Skłodowska Curie Innovative Training Network project, funded by the European Union. This project sets up a European Joint Doctorate programme which will lead to the conferral of joint and double doctoral degrees from two of the five participating universities. These Universities are:

- Queen Mary Intellectual Property Research Institute, University of London
- Magister Lvcentinvs, University of Alicante
- Intellectual Property Law and Knowledge Management (IPKM), Maastricht University
- Centre for International Intellectual Property (CEIPI), University of Strasbourg
- Munich Intellectual Property Law Center (MIPLC), University of Augsburg

In total, 15 PhD projects are part of the programme, each investigating different, as yet under-explored aspects of the adaptive complexities of innovation cycles. For more information, see <http://www.eipin-innovationsociety.org/>.

In the framework of the Marie Curie ITN/EJD project EIPIN Innovation Society, the University of Augsburg is recruiting a PhD researcher for a period of three years.

The research project concerns:

ESR 7: Declaration of Standard-essential Patents (SEPs) – Strategic use of IP policies of standard-setting organisations by patent holders.

Supervisor 1: Prof. Dr. Josef Drexl (MIPLC, Max Planck Institute for Innovation and Competition)

Supervisor 2: Prof. Dr. Manuel Desantes (University of Alicante)

Co-supervisor: Dr. Beatriz Conde Gallego (MIPLC, Max Planck Institute for Innovation and Competition)

Project Description:

Strategic use of standard-essential patents (SEPs) has become a major topic of debate at the interface between IP and competition law. Thereby, two cases are discussed in particular: (1) patent ambush cases, where members of standard-setting organisations (SSOs) do not provide appropriate information about their patent policies before the standard is set in order to claim excessive royalty rates later; and (2) FRAND cases, where holders of SEPs notify their SEPs to SSOs and enter into a FRAND commitment, but later try to charge excessive royalty rates by relying on injunctive relief. This thesis is designed to address a third case: SSOs usually refrain from examining whether a given patent is indeed standard-essential, which is indeed a technologically difficult question. This may well enable firms to misrepresent patents as standard-essential, leading to an over-declaration of SEPs and, thereby, wrongly signalling to users that they will need a licence in order to implement the standard. The thesis should explore whether and in what ways the IP rules of SSOs could be adjusted in order to respond to this problem. A second question relates to the role of competition law in this regard. Do wrongful declarations of SEPs violate competition law? Can competition law be used against SSOs to oblige them to draft their IP policies in a way that excludes or reduces such strategic use?

Expected Results:

Clear indications on how SSOs themselves can address problems linked to SEPs and how different parts of the law – patent and competition law in particular – could be used for that purpose, thereby improving implementation of technological standards and access to the standards by other firms.

International mobility

ESR	Primary - Institution	Fellow months in Primary institution	Secondary Institution	Fellow months in Secondary institution	Secondment Entity	Fellow months in Secondment institution
7	University of Augsburg - MIPLC	24	University of Alicante	6	ETSI Ericsson	3 3

Requirements

- A relevant Masters degree or equivalent (including, but not limited to, the first state examination in law in Germany) in law, the humanities or social sciences, or sciences relevant for the individual research topics, such as pharmacology, nanotechnology, agricultural studies;
- A demonstrable affinity with intellectual property law;
- The ability to speak, read and write in English;
- High scholarly abilities, as testified by your previous academic record, particularly by the quality of your masters-level thesis;
- Be highly motivated;
- Creativity and high level of independency;
- In light of the mobility requirements set by the European Commission for this project, at the time of recruitment by the host organisation, you may NOT have resided or carried out your main activity (work, studies, etc.) in Germany for more than 12 months in the 3 years immediately prior to taking up the position. Compulsory national service and/or short stays such as holidays are not taken into account.

Example: Dutch nationals can be eligible for recruitment at a University located in the Netherlands if they have resided or carried out their main activity outside of the Netherlands for more than 24 months in the 3 years immediately prior to their recruitment.

- Candidates must fulfil the definition of an Early-Stage Researcher (ESR) set by the European Commission: ESRs shall, at the time of recruitment by the host organization, be in the first four years (full-time equivalent research experience) of their research career and not yet have been awarded a doctoral degree. Full-time equivalent research experience is measured from the date when a researcher obtained the degree which would formally entitle him or her to embark on a doctorate, either in the country in which the degree was obtained or in the country in which the researcher is recruited. Part-time research experience will be counted pro-rata.
- The University of Augsburg is a public institution. It is aiming to increase the proportion of female employees, and thus applications of female candidates are most welcome. Disabled persons with otherwise equal qualifications will be favored.

Conditions of employment

We offer a 3 year full-time (part-time employment is not possible) contract. The first 6 months will be a probation period, after a positive assessment the position will be extended by another 2 years and 6 months. You will be employed by the University of Augsburg.

The salary and terms of employment for this position will correspond to the provisions of the Marie Skłodowska-Curie Actions. The Collective Labour Agreement of Public Services of the German Federal States (Tarifvertrag für den öffentlichen Dienst der Länder – TV-L) will be applied subsidiarily.

The object of the contract is to conduct research into the above-mentioned topics. Its purpose is the further qualification of the PhD candidate.

We offer a dynamic and challenging job in an internationally-oriented organisation where young people receive an advanced education and scholars conduct exciting research.

You will participate in the research training sessions in the framework of the EIPIN Innovation Society ITN/EJD Marie Skłodowska-Curie project. Around 25 different trainings of mostly two days in length will be offered in the course of the three-year contract. You will be provided with shared office space and a PC.

Contract type: Temporary, we offer a 3 year full-time contract.

Organisation

The [University of Augsburg](#).

The PhD candidates will be working from an office shared with a few other PhD students at the [Munich Intellectual Property Law Center \(MIPLC\)](#) in downtown Munich. The MIPLC is a cooperative venture of the University of Augsburg, the Max Planck Institute for Innovation and Competition, the Technical University of Munich, and the George Washington University, Washington DC, USA. It offers the renowned LL.M. program “Intellectual Property and Competition Law” and engages in cutting-edge research in these domains.

How to apply?

Send your application by e-mail before March 29, 2017, 23:59 CET, to: info@eipin-innovationsociety.org. Please mention the vacancy number EIPIN Innovation Society ESR 7.

The following documents must be submitted with your application:

- (a) Application form, including a research proposal, available on the [EIPIN Innovation Society website](#);
- (b) Written documentation concerning prior education, including a certified copy of your Master certificate and list of grades (with certified translation for languages other than English, Dutch, German, Spanish or French);

- (c) Evidence on English proficiency (native speaker, having completed a master in the English language, the Academic IELTS certificate with a minimum score of 7, or an internet-based TOEFL certificate with a minimum score of 95);
- (d) A personal letter of motivation, indicating why you wish to conduct this research project offered by the University of Augsburg, and why you expect that you will be able to complete the programme successfully;
- (e) A detailed curriculum vitae, including – if applicable – relevant publications;
- (f) Two references from academic referees, using the form available on the [EIPIN Innovation Society website](#);
- (g) A substantial piece of writing in English, such as a (draft) master thesis.

Selection procedure

What?	When?
Deadline for submission of applications	29 March 2017, 23:59 CET
Candidates pre-selected for interviews will be informed	14 April 2017
Selection interviews (candidates may be asked to give a short presentation on the influence of intellectual property on innovation)	15 – 17 May 2017, in Alicante, Spain
Successful candidates will be informed	Last week of May 2017
Acceptance by successful candidates	12 June 2017
Start of employment	1 September 2017

Selection criteria

Criteria	Rate
Relevant academic background (including the quality of the substantial piece of writing)	0-30
Motivation statement	0-10
Relevant publications/work experience	0-15
Draft project proposal, including timeline	0-30
Mobility (during Bachelor and/or Master)	0-5
Evaluation by referees	0-10

Information

For questions related to the research topic, please contact josef.drexler@ip.mpg.de.
 For all other questions, please use the following email address, clearly indicating the vacancy number EIPIN Innovation Society ESR 7: info@eipin-innovationsociety.org