

VACANCY ANNOUNCEMENT NUMBER: N78-1905-058

**Legal Advisor
Foreign Commercial Services/
U.S. Patent & Trademark Office
Non-Sensitive**

12/5/2016

This position is advertised under the Locally Employed (LE) Staff Program of the United States Mission in China. All applicants must already have relevant documentation to legally reside and work for the U.S. Government in China to be eligible for consideration.

Position is subject to funding availability.

OPEN TO: All Interested Candidates

POSITION: Legal Advisor (FCS/USPTO)

OPENING DATE: December 5, 2016

**CLOSING DATE: December 19, 2016
(Only applications received by the closing date will be considered)**

WORK HOURS: Full-time; 40 hours/week

**GRADE: Not-Ordinarily Resident: FP-04 USD 54,610 p.a.
(starting salary, final grade will be determined by Washington)**

**Ordinarily Resident: FSN-11 RMB 333,118 p.a.
(starting salary includes allowance and bonus)**

LOCATION: The incumbent may be assigned to work at the Embassy or one of the Embassy's off-compound facilities in Beijing.

The U.S. Embassy in Beijing is seeking an eligible and qualified applicant for the position of Legal Advisor with the Foreign Commercial Services/U.S. Patent & Trademark Office.

Note: Only candidates selected for an interview will be contacted.

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

BASIC FUNCTION OF POSITION

The Legal Advisor will be responsible for advising, monitoring, analyzing and reporting on specified intellectual property rights (IPR) matters at China's national level and within U.S. Mission's Beijing and Shenyang consular districts. Using their understanding of complex IPR

matters, the Legal Advisor will evaluate and prioritize IPR developments by determining which IPR developments are most likely to affect U.S. interests and help propose, develop, and implement policy engagement strategies. The incumbent will be expected to think and act proactively by identifying emerging IP-related issues, gathering and reporting information, and proposing solutions for consideration by the Embassy's IP Attaché. The position requires a law degree, and should have knowledge of complex principles governing protection and enforcement of IPR, with a particular emphasis on patents and/or trademarks.

A copy of the complete position description listing all duties and responsibilities is available in the Office of Human Resources (x4500).

QUALIFICATIONS REQUIRED

All applicants must address each selection criterion detailed below with specific and comprehensive information supporting each item. Applicants who fail to do so, or who do not meet the position's required qualifications, will not be considered for this position.

Education:

- University degree in Law, Foreign Relations, and Business Administration is required.

Experience:

- Five (5) years of progressively responsible experience of working in the area of intellectual property is required.

Language:

- Level IV (Fluent) speaking/reading/writing in English is required. **(This will be tested.)**
- Level IV (Fluent) speaking/reading/writing in Chinese is required.

Knowledge:

- Must have knowledge of the complex principles governing protection and enforcement of IPR, including patents, trademarks, copyrights and trade secrets, in China.

Abilities and skills:

- Must have the ability to develop and maintain an extensive range of mid to high level contacts in the host government and private sector that will aid the incumbent identify emerging IP-related issues and to propose and carry-out strategies to effectuate improvements to China's IPR systems.
- Must be able to develop and implement above projects from start to finish with minimal supervision and to propose creative solutions to IPR issues that impact U.S. IPR owners looking to operate in China, including medium- and long-term strategies.

SELECTION PROCESS: When qualified, applicants who are U.S. Citizen Eligible Family Members (USEFMs) and/or preference-eligible U.S. Veterans are given a preference in hiring. Therefore, it is essential that these applicants make themselves known as having a hiring preference and specifically address the required qualifications above in their application.

HIRING PREFERENCE ORDER:

- (1) AEFM/USEFM who is also a preference-eligible U.S. Veteran**
- (2) AEFM/USEFM who is not a preference-eligible U.S. Veteran**
- (3) FS on Leave Without Pay**

ADDITIONAL SELECTION CRITERIA

- All completed applications received by the closing date will be reviewed by HR to determine which applicants meet the advertised position's required qualifications. When appropriate, the HR Office will administer necessary language and/or skills testing to confirm an applicant's qualifications. Applicants who are unavailable for testing will not be considered.
- Management will consider nepotism/conflict of interest, budget, and residency status in determining successful candidacy.
- Current LE Staff employees are ineligible to apply for advertised positions within the first 90 calendar days of their appointment.
- Current Ordinarily Resident (OR) employees with an Overall Summary Rating of Needs Improvement or Unsatisfactory on their most recent Employee Performance Report (EPR) are not eligible to apply.
- Current U.S. Citizen EFM employees who hold a Family Member Appointment (FMA) are ineligible to apply for advertised positions within the first 90 calendar days of their employment.
- Current Not Ordinarily Resident (NOR) employees 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.
- Ordinarily Resident applicants or applicants without a U.S. social security number will be paid according to the Local Compensation Plan in local currency (RMB). There are no exceptions to this regulation.

HOW TO APPLY: Applicants must submit the following documents to be considered:

- 1. Universal Application for Employment (UAE) (Form [DS-0174](#)); and**
- 2. Any additional documentation that supports or addresses the requirements listed above (e.g. transcripts, degrees, etc.)**

IMPORTANT: Applicants claiming a U.S. Veteran's preference must submit written documentation confirming eligibility (e.g., Member Copy 4 of Form DD-214, Letter from the Veteran's Administration, or certification documenting eligibility under the VOW Act with an expected discharge no later than 120 days after the certification is submitted) by the closing date of the vacancy announcement. If the written documentation confirming

eligibility is not received in the HR office by the closing date of the vacancy announcement, the U.S. Veteran's preference will not be considered in the application process. Specific criteria for receiving a U.S. Veteran's preference may be found in HR/OE's Family Member Employment Policy (FMEP).

WHERE TO APPLY:

SUBMIT APPLICATION TO

Human Resources Office

American Embassy Beijing, China

No.55 An Jia Lou, Beijing 100600

Email: USEmbassyBJHR@state.gov

(Please specify the position title in the subject line.)

Fax: 86-10-8531-4545

Website: <http://beijing.usembassy-china.org.cn>

EQUAL EMPLOYMENT OPPORTUNITY: The U.S. Mission 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

Eligible Family Member (EFM): An EFM for employment purposes is defined an individual who meets **all** of the following criteria:

- U.S. Citizen or not a U.S. Citizen; **and**
- Spouse or same-sex domestic partner (as defined in [3 FAM 1610](#)); or
- Child, who is unmarried and under 21 years of age or, regardless of age, is incapable of self-support. The term "child" shall include, in addition to natural offspring, stepchild, adopted child, and a child under legal guardianship of employee, spouse, or same-sex domestic partner when such child is expected to be under legal guardianship until 21 years of age and when dependent upon and normally residing with the guardian; **or**
- Parent (including stepparents and legally adoptive parents) of employee, spouse, or same-sex domestic partner, when such parent is at least 51 percent dependent on the employee for support; **or**
- Sister or brother (including stepsisters and stepbrothers, or adoptive sisters or brothers) of the employee, spouse, or same-sex domestic partner when such sibling is at least 51 percent dependent on the employee for support, unmarried, and under 21 years of age, or regardless of age, incapable of self-support; **and**
- Listed on the travel orders or approved Form OF-126 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 or, as appropriate, at an office of the American Institute in Taiwan; **and**

- Is under chief of mission authority.

U.S. Citizen Eligible Family Member (US EFM): A USEFM is an individual who meets **all** of the following criteria:

- U.S. Citizen; **and**
- Spouse or same-sex domestic partner (as defined in 3 FAM 1610) of the sponsoring employee; **or**
- Child of the sponsoring employee who is unmarried and at least 18 years old; **and**
- Listed on the travel orders or approved Form OF-126 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 or, as appropriate, at an office of the American Institute in Taiwan; and resides at the sponsoring employee's post of assignment abroad, or as appropriate, at an office of the American Institute in Taiwan; and is under chief of mission authority; **or**
- resides at an Involuntary Separate Maintenance Allowance (ISMA) location authorized under 3 FAM 3232.2; **or**
- Currently receives a U.S. Government retirement annuity or pension from a career in the U.S. Foreign Service or Civil Service.

Appointment Eligible Family Member (AEFM): An AEFM is an individual who meets **all** of the following criteria:

- U.S. Citizen; **and**
- Spouse or same-sex domestic partner (as defined in [3 FAM 1610](#)) of the sponsoring employee; **or**
- Child of the sponsoring employee who is unmarried and at least 18 years old; **and**
- Listed on the travel orders or approved Form [OF-126](#) 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 or, as appropriate, at an office of the American Institute in Taiwan (AIT); **and**
- Is under chief of mission authority; **and**
- Is residing at the sponsoring employee's post of assignment abroad or, as appropriate, at an office of the American Institute in Taiwan; **and**
- Does NOT currently receive a U.S. Government retirement annuity or pension from a career in the U.S. Foreign Service or Civil Service.

Member of Household (MOH): A MOH is an individual who meets **all** of the following criteria.

- A MOH is someone who accompanies or joins a direct-hire Foreign Service, Civil Service, or uniformed service member permanently assigned to or stationed abroad or, as appropriate, at an office of the American Institute in Taiwan; and
- A MOH must be officially declared to the COM by the sponsoring employee as part of his/her household; and
- A MOH is under COM authority;
- A MOH may include a parent, unmarried partner, other relative, or adult child;
- A MOH may or may not be a U.S. Citizen;

- A MOH is **not** an EFM;
- A MOH is **not** listed on the travel orders or approved Form F-126 of a sponsoring employee.

Not Ordinarily Resident (NOR) – An individual who meets the following criteria:

- An EFM, USEFM or AEFM of a direct-hire Foreign Service, Civil Service, or uniformed service member permanently assigned or stationed abroad, or as appropriate, at an office of the American Institute in Taiwan; or
- Has diplomatic privileges and immunities; and
- Is eligible for compensation under the FS or GS salary schedule; and
- Has a U.S. Social Security Number (SSN); and
- Is not a citizen of the host country; and
- Does not ordinarily reside in the host country; and
- Is not subject to host country employment and tax laws.

Ordinarily Resident (OR) – An individual who meets the following criteria:

- A citizen of the host country; or
- A non-citizen of the host country (including a U.S. citizen or a third-country national) who is locally resident and has legal and/or permanent resident status within the host country and/or who is a holder of a non-diplomatic visa/work and/or residency permit; and/or
- 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).