

Decision of the Administrative Council of 7 December 2006 amending Articles 8, 9 and 10 of the Regulation on the Establishment of an Institute of Professional Representatives before the European Patent Office CA/D 18/06

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention, and in particular Article 134(8)(b) thereof,

Having regard to the Regulation on the Establishment of an Institute of Professional Representatives before the European Patent Office of 21 October 1977,

as amended by decisions of the Administrative Council of the European Patent Organisation of 5 March 1997 and 17 June 2004, and in particular Article 14 thereof,

On a proposal from the President of the European Patent office and the Council of the Institute of Professional Representatives before the European Patent Office,

HAS DECIDED AS FOLLOWS:

Article 1

Articles 8, 9 and 10 of the Regulation on the Establishment of an Institute of Professional Representatives before the European Patent Office shall be amended to read as follows:

"Article 8

Meetings of the Council

(1) The Council shall meet as often as it considers necessary, and in any event at least once a year. It shall submit a report and accounts to the members of the Institute every year.

(2) Following each election of the Council, the latter shall elect a Board from among its members. The Board shall include a President of the Institute, two Vice-Presidents, a Secretary-General and a Treasurer, who shall be individually elected. The Board may include a deputy for the Secretary-General, a deputy for the Treasurer, and further members. The offices of President and Vice-President may each be held for a maximum of two consecutive terms. However, the two offices may not be held for more than a total of three consecutive terms.

Article 9

Powers of the Council

(1) The Council shall have the management and control of the affairs of the Institute and shall have the right to delegate powers in accordance with the conditions laid down in the regulations made under paragraph 2.

(2) The Council shall have power to make regulations governing the conduct of the business of the Institute and its constituent and any subsidiary bodies.

(3) The Council may, within the terms of the Regulation on Discipline for Professional Representatives, make recommendations on conduct.

Article 10

Powers of the President and Board

(1) The President shall represent the Institute.

(2) The Board shall exercise powers delegated to it by the Council."

Article 2

The By-Laws of the Institute of Professional representatives before the European Patent Office shall be amended according to the principles set forth in the Annex. The Council shall inform the European Patent Office and the Administrative Council about the adoption and date of entry into force of these By-Laws.

Article 3

Article 1 of this decision shall enter into force on the same date as the amended By-Laws of the Institute of Professional Representatives before the European Patent Office.

Done at Munich, 7 December 2006

For the Administrative Council
The Chairman

Roland GROSSENBACHER

ANNEX 1

61st epi Council Meeting, Istanbul, 16-17 October 2006

Decision on the delegation of powers

Delegation of Powers

a) Council shall retain the sole control and responsibility for:

The overall general policy of the epi relating to the European Patent system as a whole and the overall policy relating to liaison with the European Patent Organization and other bodies on all general matters relating to industrial property; Amendments to the Founding Regulation (Art.14 of the Founding Regulation) Council meeting agendas; Elections; By-Laws; Budgetary and financial affairs; and Disciplinary matters (Retained powers)

b) The Board may exercise all other powers, subject to subsequently informing the Council.

c) Council may delegate any power on a case-by-case basis and for a limited time to individual members of the epi, or committees, or the Board.

Remedies

(a) Council shall have the explicit right to make recommendations on matters delegated and discussed in Council;

(b) Council shall have the right to indicate its disapproval or approval on the handling by the Board of delegated matters;

(c) Council shall have the express right to terminate any delegation partly or fully at any time.

Miscellaneous

- (a) The Board shall keep Council fully informed in a timely fashion about what the Board does internally and externally.
- (b) The President shall have the right to attend any committee meeting without, however, having a vote.
- (c) The Board shall have the right to invite individuals such as chairpersons of committees to attend Board meetings without such persons having a vote.
- (d) The Board shall have the right to request committees working on matters delegated to the Board to keep the Board fully informed of all that is happening.
- (e) The Board shall have the right in matters delegated to the Board to instruct committees and to ask for reports.
- (f) The Board shall have the right to set up task groups for temporarily dealing with urgent matters.