

Decision of the Administrative Council of 25 October 2007 approving amendments to the Additional Rules of Procedure of the Disciplinary Committee of the Institute of Professional Representatives before the European Patent Office and of the Disciplinary Board of the European Patent Office (CA/D 37/07)

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to Article 134, paragraph 8(c), of the European Patent Convention,

Having regard to the Regulation on Discipline for Professional Representatives and in particular Article 25, paragraph 2, thereof,

Having regard to the opinion of the Committee on Patent Law,

HAS DECIDED AS FOLLOWS:

The amendments to the Additional Rules of Procedure of the Disciplinary Committee of the Institute of Professional Representatives before the European Patent Office, OJ EPO 1980, 177 and to the Additional Rules of Procedure of the Disciplinary Board of the European Patent Office, OJ EPO 1980, 183, as shown in the Annex to this decision, are hereby approved.

Done at Munich, 25 October 2007

For the Administrative Council
The Chairman
Roland GROSSENBACHER

ANNEX

DECISION

Amendments to the Additional Rules of Procedure of the Disciplinary Committee of the Institute of Professional Representatives before the European Patent Office, OJ EPO 1980, 177

The Disciplinary Committee of the Institute of Professional Representatives before the European Patent Office hereby adopts under Article 25, paragraph 2, of the Regulation on Discipline for Professional Representatives, the following amendments to its Additional Rules of Procedure:

Article 1

1. The text of Article 2, paragraph 1, shall read as follows:

"The Committee, as constituted for the examination of any alleged breach of the Rules of Professional Conduct which is brought to the Committee's notice in writing, shall consist of three members, nominated by the Chairman of the Committee, hereinafter called a "Chamber"."

2. The following new Article 3, paragraph 3, is inserted in the Additional Rules of Procedure of the Disciplinary Committee:

"The Chairman of the Committee may designate another member of the Committee to replace the Chairman of the Chamber concerned."

3. The text of Article 9, paragraph 1, shall read as follows:

"Minutes of oral proceedings and of taking of evidence shall be drawn up by the rapporteur or the Registrar or such employee of the Institute as the Chairman of the Chamber may nominate. Rule 124 EPC shall apply mutatis mutandis to the taking of such minutes."

4. The text of Article 16, paragraph 2, shall read as follows:

"If voting is necessary, votes shall be taken in the same sequence; even if the Chairman is the rapporteur, he shall vote last. Abstentions shall not be permitted."

5. The text of Article 17, paragraph 1, shall read as follows:

"Unless the complaint is dismissed, the decision shall state which Rule of Professional Conduct has been violated and which recommendation, if any, made in accordance with Article 4(c) of the Establishment Regulation, has not been observed. Rule 111, paragraph 2, EPC shall apply mutatis mutandis."

Article 2

This decision shall enter into force upon the entry into force of the revised text of the Convention in accordance with Article 8 of the Revision Act.

Done at Munich, 17 September 2007.

For the Disciplinary Committee of the Institute of Professional Representatives before the European Patent Office

The Chairman

Paul Rosenich

DECISION

Amendments to the Additional Rules of Procedure of the Disciplinary Board of the European Patent Office, OJ EPO 1980, 183

The Disciplinary Board of the European Patent Office hereby adopts under Article 25, paragraph 2, of the Regulation on discipline for professional representatives, the following amendments to its Additional Rules of Procedure:

Article 1

1. The following new Article 2, paragraph 3, is inserted in the Additional Rules of Procedure of the Disciplinary Board:

"The Chairman of the Disciplinary Board may designate another legally qualified member of the Disciplinary Board to replace him or her as Chairman in accordance with the business distribution scheme."

2. The text of Article 7, paragraph 1, shall read as follows:

"Minutes of oral proceedings and of the taking of evidence shall be drawn up by the Registrar or such other employee of the European Patent Office as the Chairman of the Disciplinary Board may nominate. Rule 124 EPC shall apply mutatis mutandis to the taking of such minutes."

3. The text of Article 8, paragraph 1, shall read as follows:

"The language of proceedings shall be the official language of the European Patent Office in which the proceedings were conducted before the Disciplinary Committee of the Institute of Professional Representatives but Rule 4 EPC shall apply mutatis mutandis to proceedings before the Disciplinary Board."

4. The text of Article 14, paragraph 2, shall read as follows:

"If voting is necessary, votes shall be taken in the same sequence; even if the Chairman is the rapporteur, he shall vote last. Abstentions shall not be permitted."

5. The text of Article 15, paragraph 1, shall read as follows:

"Unless the matter is dismissed, the decision shall state which Rule of Professional Conduct has been violated and which, if any, recommendation, made in accordance with Article 4(c) of the Establishment Regulation, has not been observed. Rules 102 and 111, paragraph 2, EPC shall apply mutatis mutandis."

Article 2

This decision shall enter into force upon the entry into force of the revised text of the Convention in accordance with Article 8 of the Revision Act.

Done at Munich, 18 September 2007.

For the Disciplinary Board of the European Patent Office

The Chairwoman

Lise Dybdahl-Müller

