

# Decision of the Administrative Council of 14 December 2007 adopting amendments to the Regulation on Discipline for Professional Representatives (CA/D 38/07)

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to Article 134a, paragraph 1(c), of the European Patent Convention,

Having regard to the Regulation on Discipline for Professional Representatives, and in particular Article 29 thereof,

After consulting the Council of the Institute of Professional Representatives before the European Patent Office (*epi*),

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

HAS DECIDED AS FOLLOWS:

## **Article 1**

Articles 13, 21, 24 and 25 of the Regulation on Discipline for Professional Representatives before the European Patent Office shall be amended to read as follows:

### **"Article 13**

#### **Oral proceedings**

- (1) Oral proceedings shall take place either at the instance of the disciplinary body if it considers this to be expedient or at the request of the professional representative concerned.
- (2) Rule 115 EPC shall apply *mutatis mutandis* to oral proceedings provided for in this Article.
- (3) The members of a disciplinary body shall be present at any oral proceedings conducted by that body. A person appointed to take the minutes shall also be present.

### **Article 21**

#### **Decisions**

- (1) A decision of a disciplinary body shall state the reasons on which it is based and shall be given in writing. It shall be notified to the professional representative, the President of the Council of the Institute and the President of the European Patent Office. Complainants shall be informed of the results of the proceedings.
- (2) Rules 125, paragraph 4, 126 and 130 EPC shall apply *mutatis mutandis*.

### **Article 24**

#### **Time limits**

- (1) Rules 131 and 134 EPC shall apply to all time limits specified in this Regulation or fixed by a disciplinary body.

(2) A party to the proceedings who, in spite of all due care required by the circumstances having been taken, was unable to observe a time limit shall, upon application, have his rights re-established. The application must be filed in writing within one month of the removal of the cause of non-compliance with the time limit. Rule 136, paragraph 1, first sentence, last part, and paragraphs 2 and 4, EPC shall apply *mutatis mutandis*.

## **Article 25**

### **Supplementary provisions**

(1) Article 113, paragraph 1, Article 114, Article 117, Article 125, Article 131 and Rule 120 EPC shall apply *mutatis mutandis* to proceedings before the disciplinary bodies.

(2) The disciplinary bodies shall adopt their own additional rules of procedure. These shall require the approval of the Administrative Council on a proposal from the Disciplinary Board of Appeal."

## **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, 14 December 2007

For the Administrative Council  
The Chairman

*Roland GROSSENBACHER*

