

Decision of the Administrative Council and the President of the European Patent Office of 17 June 2004 setting up an Academy of the European Patent Organisation and adopting the Regulations thereof CA/D 10/04

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION AND THE PRESIDENT OF THE EUROPEAN PATENT OFFICE,

Having regard to the European Patent Convention,

With the aim of fostering the advancement of education and training in the field of European and international patent-related intellectual property law and practice for the benefit of the European patent system,

Having regard to the need to develop co-operation with national and European institutions, current and future, for the delivery of education and training,

Having regard to the principles of complementarity and subsidiarity,

Having regard to the need to finalise a financial model to be adopted by the Administrative Council,

HEREBY ADOPT THE FOLLOWING REGULATIONS FOR AN ACADEMY OF THE EUROPEAN PATENT ORGANISATION:

Section I

GENERAL PROVISIONS

Article 1

Objectives

(1) These Regulations hereby establish an Academy of the European Patent Organisation (hereinafter referred to as “the Academy”) whose objective shall be:

(a) to foster the development and harmonisation of education and training in the field of European and international patent-related intellectual property law and practice in the present and future member states of the European Patent Organisation for the benefit of the European patent system;

(b) to facilitate the process of accession to the European Patent Convention and to support the integration of new member states;

(c) to promote equal access to training opportunities related to international and European patent law and practice in all current and future EPC contracting states;

(d) to contribute to Europe's innovation capacity by improving the expertise and skills of the users of the European patent system.

(2) These Regulations shall govern the position of the Academy within the European Patent Organisation (hereinafter referred to as "the Organisation") and its structure and tasks.

Article 2

Location and Name

The Academy shall be located in Munich and shall be known as the "European Patent Academy".

Article 3

Legal Status - Organisational Chart

(1) The Academy shall be an institution of the European Patent Organisation. It shall be managed by the European Patent Office (hereinafter referred to as "the Office") in accordance with these Regulations.

(2) The organisational chart of the Academy is laid down in Annex I to these Regulations.

Article 4

Tasks of the Academy

For the purpose of achieving the objectives set out in Article 1(1), the Academy shall:

(a) promote and develop, in co-operation with the present and future member states, a Europe-wide harmonised education and training scheme in the field of European and international patent-related intellectual property law and practice;

(b) promote and support the preparation of candidates for the European qualifying examination, in co-operation with the Institute of Professional Representatives before the European Patent Office (epi) and the national training providers;

(c) promote and support further vocational training for professional representatives before the Office;

(d) support and develop training initiatives aimed at harmonising patent enforcement and litigation practice in Europe;

(e) increase awareness of the European patent system by supporting European patent-related intellectual property lectures at universities and encourage patent-related research activities;

(f) complement the activities of the national offices of present and future member states with European patent-related intellectual property education and training events designed and implemented for and with the national offices;

(g) support innovation in Europe by promoting and participating in education and training projects designed for industry and patent system users in the areas of intellectual property creation, strategy, evaluation and management;

- (h) support projects aimed at facilitating co-operation between patent attorneys, intellectual property lawyers and attorneys at law in the patent-related intellectual property field;
- (i) ensure consistency and, when necessary, compatibility between the work of the Academy and other external education and training activities of the Office.

Article 5

Means

(1) The Academy shall pursue its objectives by:

- (a) organising courses, conferences, seminars, workshops and symposia, issuing publications and providing a platform for the exchange of expertise and a forum for discussion;
- (b) developing education and training courses based on distance and e-learning technologies, dedicated training tools, material and publications;
- (c) developing quality and reference standards for equal access in all present and future member states to harmonised training opportunities;
- (d) setting up a European web-based platform for online patent-related intellectual property training, information and documentation, including a virtual library and an intellectual property training database;
- (e) co-operating with the national patent offices and organisations or associations of the present and future member states, thereby setting up a European network of offices, institutions, organisations, associations and experts acting in the patent-related intellectual property field;
- (f) co-operating with international organisations and education institutes in the field of intellectual property.

(2) The Academy shall perform its activities, in particular its training and education activities, in partnership with the national training providers through a network of lecturers, trainers, tutors and consultants.

Section II

STRUCTURE OF THE ACADEMY

Article 6

Organs of the Academy

The organs of the Academy shall be:

- (a) the Supervisory Board
- (b) the Executive Director of the Academy
- (c) the Academic Advisory Board.

Article 7

The Supervisory Board

- (1) The Supervisory Board shall be composed of one representative from each of seven contracting states chosen by the Administrative Council from among its own members or those of the Budget and Finance Committee. Each member shall have a deputy appointed by the same procedure.
- (2) The term of the members and deputy members shall be three years. It shall be nonrenewable.
- (3) The Supervisory Board shall elect a Chairman and a Deputy Chairman from among its members.
- (4) The President of the European Patent Office (hereinafter referred to as "the President of the Office") or his representative, the Chairman of the Academic Advisory Board and the Executive Director of the Academy shall take part in the deliberations of the Supervisory Board.
- (5) Contracting states not represented on the Supervisory Board may attend meetings of the Board as observers at their own expense.
- (6) The epi, the European Commission, UNICE and WIPO may take part in the deliberations of the Supervisory Board as permanent observers. Each shall appoint one representative.
- (7) Meetings of the Supervisory Board shall be convened by the Chairman. The Supervisory Board shall hold an ordinary meeting at least once a year. An extraordinary meeting may be convened by the Chairman of his own motion or at the request of the President of the Office or half of the members of the Supervisory Board.
- (8) The procedural rules of the Administrative Council shall also apply to the Supervisory Board. However, the present Regulations or the Supervisory Board may stipulate otherwise, except where the Rules of Procedure of the Administrative Council expressly apply to subsidiary bodies.

Article 8

Responsibilities of the Supervisory Board

- (1) The Supervisory Board shall:
 - (a) on a proposal from the President of the Office, adopt the strategic guidelines for the Academy;
 - (b) give an opinion on the draft annual work programme for the Academy;
 - (c) give an opinion on the draft annual budget proposal for the Academy;
 - (d) after consulting the President of the Office, approve, as necessary, the setting up of ad hoc working parties which may include all or only the affected member states, organisations contributing to the financing of a project, the epi and educational institutions;
 - (e) adopt a policy regarding tuition fees;
 - (f) give an opinion on and endorse the reports on the activities of the Academy;
 - (g) appoint up to four experts in intellectual property education and training according to Article 11(1)(f).
- (2) The Supervisory Board shall present to the Administrative Council the results of the monitoring and

evaluation procedure regarding the overall work and effectiveness of the Academy.

Article 9

The Executive Director and Staff of the Academy

- (1) The Executive Director of the Academy shall be appointed to his duties by the President of the Office.
- (2) The Executive Director and staff of the Academy shall be subject to the regulations applicable to the staff of the Office.

Article 10

Responsibilities of the Executive Director of the Academy

The Executive Director of the Academy shall, without prejudice to the terms of reference of other organs of the Academy and to the directive authority of the President of the Office:

- (1) be responsible for the day-to-day administration of the Academy and the management of the administrative units of the Academy;
- (2) be responsible for preparing and implementing the activities and measures referred to in Articles 4 and 5 in accordance with these Regulations and, in particular, for the preparation of the draft annual work programme of the Academy;
- (3) ensure the overall co-ordination of the external education and training activities of the Office;
- (4) establish a monitoring and evaluation procedure regarding the overall work and effectiveness of the Academy;
- (5) examine, within the scope of the statutory activities of the Academy, the scope of cooperation agreements for training and education activities and identify operations which could be co-financed by one or several countries or by one or several European, international or national organisations;
- (6) be responsible for the preparation and organisation of the work of the Supervisory Board, the Academic Advisory Board and ad hoc working parties;
- (7) draw up the draft annual budget proposal for the Academy, including details of staffing and estimates of programme-related expenditure and income for the following financial year, together with the draft financial forecasts, and submit this to the President of the Office;
- (8) draw up accounts for the Academy's income and expenditure;
- (9) submit reports on the activities of the Academy to the President of the Office;
- (10) within the limits of the funds allocated to the Academy in the budget, conclude and terminate contracts with experts and contractors and other agreements concerning the activities defined under these Regulations and ensure that such contracts and agreements are properly executed;
- (11) prepare co-operation agreements with international organisations and educational institutes and ensure that such agreements are properly executed;
- (12) be responsible for the management of the funding made available by external contributors, sponsors and training co-organisers, the collection of fees as well as the risk management and control;

(13) be responsible for the acceptance of dedicated donations and grants prior to the approval of the President of the Office;

(14) evaluate the results of each programme's activities;

(15) prepare, in consultation with the Academic Advisory Board, strategic guidelines as well as a general education and training policy and the annual work programme, together with an estimate of the necessary expenditure and expected income.

Article 11

The Academic Advisory Board

(1) The Academic Advisory Board shall be composed of

(a) the Executive Director of the Academy

(b) the Directors of the Academy

(c) the President of the Examination Board for the European qualifying examination

(d) the President of the epi

(e) two employees of the Office

(f) up to four experts in intellectual property education and training from member states, appointed by the Supervisory Board

(g) up to six expert representatives of European and international organisations and renowned teaching institutions in the field of intellectual property at European level, appointed by the President of the Office, each organisation or institution being permitted to propose one expert representative

(h) two employees of the Office appointed by the Central Staff Committee.

(2) The Academic Advisory Board shall be chaired by the Executive Director of the Academy.

(3) The term of office of the members of the Academic Advisory Board mentioned under

(1)(f) shall normally be three years, subject to review by the Supervisory Board.

(4) Meetings of the Academic Advisory Board shall be convened by the Chairman. The Academic Advisory Board shall hold an ordinary meeting at least once a year. An extraordinary meeting may be convened by the Chairman of his own motion or at the request of half of the members of the Board.

Article 12

Responsibilities of the Academic Advisory Board

The tasks of the Academic Advisory Board shall be:

(a) to deliver opinions to the Supervisory Board either at the latter's request or on its own initiative concerning the annual work programme and education and training policies and guidelines;

(b) to formulate recommendations and proposals to the Executive Director of the Academy on:

(i) education and training policies, guidelines and teaching methods

(ii) planning and content of the education and training activities and the annual work programme

(iii) course content, syllabuses and standards

(iv) geographical distribution and location of training events

(v) use of new media and technologies

(vi) quality monitoring and evaluation feedback

(vii) conditions for the award of attendance certificates.

Section III

FINANCIAL PROVISIONS

Article 13

Accounts and Financing

(1) Dedicated articles in the chart of accounts of the Organisation shall be opened for the Academy's programme-related income and expenditure. All programme-related costs and all costs connected to any other service contract resulting from the Academy's operations shall be charged to the article dedicated to the Academy in the chart of accounts.

(2) The funds of the Academy shall comprise, without prejudice to other types of income, a contribution from the general budget of the European Patent Organisation, fees for services performed (such as, for example, tuition fees), as well as financing from other sources, consisting of contributions from donors and grants from public and private institutions and international organisations. The funds of the Academy shall be used for the purpose intended (Article 20 of the Financial Regulations).

(3) The Academy shall seek to co-fund its activities through complementary funds and contributions from external sources and co-organising partners.

(4) Costs for staff, infrastructure and equipment of the Academy shall be charged to the appropriate article of the Organisation's budget.

Article 14

Financial Regulations

The Financial Regulations of the European Patent Organisation and the implementing rules thereof shall apply. A dedicated cost centre shall be opened for the Academy, where all costs of the Academy shall be collected.

Article 15

Entry into force

These Regulations shall enter into force on 1 July 2004.
Done at Munich, 17 June 2004

For the Administrative Council The President of the European Patent
The Chairman Office

Roland GROSSENBACHER
Ingo KOBER