



Case Number: D 0003/13

D E C I S I O N
of the Disciplinary Board of Appeal
of 23 July 2014

Appellant: N.N.

Decision under appeal: Decision of the Disciplinary Committee of the
Institute of Professional Representatives before
the European Patent Office dated 20 August 2013.

Composition of the Board:

Chairman: W. van der Eijk
Members: E. Dufrasne
G. Weiss
P. H. Gendraud
H. G. Hallybone

Summary of Facts and Submissions

- I. In a letter dated 10 December 2012, ... wrote to the Disciplinary Committee of the Institute of Professional Representatives (epi) before the European Patent Office complaining that breached the Rules of Professional Conduct, to be considered in accordance with epi's Code of Conduct and Regulation on Discipline.
- II. In a decision dated 20 August 2013, the Disciplinary Committee issued the Defendant a warning.
- III. In a letter dated 21 September 2013, the Complainant filed a notice of appeal against this decision together with a statement setting out the grounds of the appeal.
- IV. By letters from the Board dated 4 December 2013, the Presidents of the European Patent Office and of the Council of the Institute of Professional Representatives were respectively invited, pursuant to Article 12 of the Regulation on Discipline for professional representatives, to comment on the case. No such comments were received.
- V. In a communication dated 9 April 2014, the Appellant was informed by the Board of its preliminary opinion that, on the grounds of appeal presented before it, the appeal would have to be rejected as inadmissible. No reply was received to this communication.

Reasons for the Decision

Admissibility of the appeal

1. According to Article 8(1) of the Regulation on Discipline for Professional Representatives (RDR, consolidated version, OJ EPO 2014, Supplementary publication 1/2014, 123), the Disciplinary Board of Appeal shall hear appeals against final decisions of the Disciplinary Committee of the Institute.

Article 8(2) RDR provides that appeals may be filed by the professional representative concerned, the President of the Council of the Institute and the President of the European Patent Office.

From these provisions it has to be concluded that the complainant has no right of appeal.

2. The distinction between on the one hand the professional representative concerned, the President of the Council of the Institute and the President of the European Patent Office and on the other hand the complainant is confirmed in Articles 12, 14 and 21 RDR.
3. This also arises from the disciplinary nature of the proceedings, designed to deal with infringement of purely professional rules of conduct, independently of any consequences such infringement might have under civil or criminal law. The RDR is intended to serve the public interest in orderly and proper exercise of professional representation before the EPO and not to solve conflicts between individuals.

4. The above analysis is fully in line with the established case-law of the Disciplinary Board of Appeal on this matter (e.g. D 15/95, OJ EPO 1998, 297, points 1 to 3 of the Reasons, D 1/98 of 21 July 1998, points 2 and 3 of the Reasons and D 4/11 of 28 October 2011, points 1 to 3 of the Reasons), according to which the complainant has no right of appeal.

5. Consequently, the appeal is to be rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

P. Martorana

W. van der Eijk