



Europäisches
Patentamt

European
Patent Office

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Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number: D 0023/99

D E C I S I O N
of the Disciplinary Board of Appeal
of 29 May 2001

Appellant: n.n.

Decision under appeal: Decision of the Disciplinary Committee dated
1 November 1999.

Composition of the Board:

Chairman: B. Schachenmann
Members: J.-C. De Preter
R. Menapace
E. Lyndon-Stanford
Ch. Onn

Summary of Facts and Submissions

- I. In a letter dated 22 January 1999 the complainant (appellant) wrote to the Disciplinary Committee of the Institute of Professional Representatives of the European Patent Office complaining of the abnormal behaviour of a European patent agent's office, sited in Barcelona. On 1 November 1999 the Disciplinary Committee decided to dismiss the matter because it was not competent to deal with the complaint.
- II. In a letter dated 25 November 1999 received on 30 November 1999 the complainant filed an appeal against the Disciplinary Committee's decision and submitted grounds in his letter of 14 December 1999. His requests are the following:
- "- May be constituted a new and fresh Chamber endowed with impartiality to judge the facts within the Board of Appeal and be brought to the knowledge of all its composing members the grounds and reasons for this appeal;
 - May be legally incorporated to the promotion writing of the issue CD1/99 dated 22 January 1999 carried before the European Patent Office the Evidences of Allegations stated in the enclosed Addenda as evidences to be considered."
- III. The Board gave the Presidents of the EPO and the EPI the opportunity to comment of which they did not make use.

IV. In its communication of 16 October 2000 the Board expressed its provisional opinion that the appeal appeared to be inadmissible. The appellant did not file any observations within the period of two months as set in that communication.

Reasons for the Decision

The appeal and the statement of grounds were filed by the person whose complaint was dismissed within the prescribed time limit. However, even leaving aside the fact that the written statement setting out the grounds of appeal was not signed, the appeal has to be dismissed as Article 8(2) of the Regulation on Discipline for professional representatives restricts the right to appeal to the President of the Council of the Institute, the President of the European Patent Office and the professional representative concerned. Therefore, as confirmed by the consistent case law of the Disciplinary Board of Appeal, a complainant has no right to appeal (cf. decision D 15/95 of 9 June 1997, OJ EPO 1998, 297, decision D 1/98 of 21 July 1998, unpublished).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:


M. Beer

The Chairman:


B. Schachenmann