ENTSCHEIDUNG / DECISION
vom / of / du 20 December 1983

Appellant:

Stichwort / Headword / Référence: Art. 6 Regulation of the establishment of an institute of professional representatives before the EPO (REI)
Art. 4(2) Regulation on discipline for professional representatives (RDR)

EPU/EPC/CBE
Subscriptions for EPI - no justification for application of Art. 4(2) RDR
Decision under appeal: Decision of the Disciplinary Board of the European Patent Office dated 31 January 1983 (Case No. 9/82)

Composition of the Board:

L. Gotti Porcinari, Chairman
O. Bossung Member
P. Ford Member
E. Bokelmann Member
H. Brühwiler Member
SUMMARY OF FACTS AND SUBMISSIONS

The appellant was entered in the list of professional representatives before the European Patent Office. By letter of 13 December 1979 to the Institute of Professional Representatives, he expressed the wish to resign from the Institute. Deletion of his name from the list of professional representatives, in response to this letter, did not however occur until 1983.

The Institute subscriptions for 1978 and 1979 were paid at the end of 1979 by the firm employing the appellant at the time. Sent reminders in error, he did not clarify the position. Letters from the Disciplinary Board were not received or went unanswered. The outcome was that a fine of DM 800 was imposed on him by Disciplinary Board Decision of 31 January 1983 under Article 4(1) of the Regulation on discipline.

On 12 March 1983, the appellant appealed against this Decision. He apologised and explained what had happened, which further investigation has substantiated. The appellant requests that the contested Decision be set aside
The appeal is admissible and substantiated. The facts of the case are not such as to justify application of Article 4(2) of the Regulation on discipline, as it is proved that he resigned from the Institute and the subscription had been paid.

It is therefore decided that:

The Decision under appeal is set aside.