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Aktenzeichen / Case Number / N^o du recours : D 02/83

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Bezeichnung der Erfindung: -.-

Title of invention:

Titre de l'invention :

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)

EPÜ/EPC/CBE

Subscriptions for EPI - no justification for application of Art.4(2) RDR

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammer in
Disziplinarangelegenheiten

European Patent
Office

Disciplinary Board
of Appeal

Office européen
des brevets

Chambre de recours statuant
en matière disciplinaire



Case No. D 02/83

DECISION

dated 20 December 1983

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

REASONS FOR THE DECISION

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.