

K. (No. 10)

v.

EPO

121st Session

Judgment No. 3630

THE ADMINISTRATIVE TRIBUNAL,

Considering the tenth complaint filed by Ms A. K. against the European Patent Organisation (EPO) on 11 June 2015;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant filed a complaint impugning the rejection by the EPO of her internal appeal No. 80/12.

2. The complainant indicates in the complaint form that she received the impugned decision on 12 March 2015. She filed her complaint with the Tribunal on 11 June 2015 as demonstrated by the postmark on her submission.

3. Article VII, paragraph 2, of the Tribunal's Statute provides that "[t]o be receivable, a complaint must [...] have been filed within ninety days after the complainant was notified of the decision impugned". It is not within the competence of the Tribunal to extend this period of time set forth by the Statute. The ninety-day period begins to run on

the day following the date of notification of the impugned decision. Where the ninetieth day falls on a public holiday, the period is extended until the next business day (see Judgment 2250, under 8).

4. In this case, the ninety-day period provided for in Article VII of the Statute ended on 10 June 2015, which was not a public holiday. Accordingly, the complaint filed on 11 June 2015 is time-barred and clearly irreceivable and must therefore be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal (see Judgments 2901, under 11, 2266, under 2 and 3, and 59, under 3).

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 23 October 2015, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 3 February 2016.

CLAUDE ROUILLER

GIUSEPPE BARBAGALLO

HUGH A. RAWLINS

DRAŽEN PETROVIĆ