

D. and others

v.

EPO

124th Session

Judgment No. 3891

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaints filed against the European Patent Organisation (EPO) by Mr A. D. on 29 September 2015, Mr D. D. on 9 October 2015, Mr C. M. M. de J. on 8 October 2015, Mr G. E. on 9 October 2015, Mr A. K. F. on 8 October 2015, Mr D. F. (his second) on 5 October 2015, Mr A. J. P. J. on 12 October 2015, Miss C. L. on 25 September 2015, Mr F. M. G.-M. on 9 October 2015, Mr J. J. M. on 7 October 2015, Mr L. U. P. (his second) on 2 October 2015, Mr B. R. on 9 October 2015, Mr J. M. S. T. M. on 10 October 2015, Mr P. G. H. O. R. on 8 October 2015, Mr R. B. on 12 October 2015, Mr N. K. on 7 October 2015, Mr R. O. on 7 October 2015, Mr M. K., Mr J. M. and Mr M. S. on 7 October 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 complainants filed their complaints impugning the final decision of the EPO Administrative Council rejecting their requests for review of the Administrative Council's decision CA/D 10/14.

2. As the complaints are nearly identical and raise the same problem of compliance with the Tribunal's Rules, the Tribunal finds it convenient to join them and to rule on them by a single judgment.

3. The complaints were filed within the time frame set forth by Article VII, paragraph 2, of the Statute of the Tribunal, but required some correction. The Registrar called upon the complainants to correct them within a period of time set in accordance with Article 6, paragraph 2, of the Rules. However, the complainants missed the deadline for corrections and filed their submissions late without any explanation. They did not avail themselves of the possibility of requesting an extension of the time limit for the corrections.

4. As the Tribunal stated in Judgment 3556, under 7, "[u]nless the complaint is corrected (that is, rendered conformable with the Rules) within the extended period [...] notified by the Registrar, then it remains deficient".

5. Accordingly, the complaints are time-barred and clearly irreceivable and must be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaints are dismissed.

In witness of this judgment, adopted on 10 May 2017, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, and Ms Dolores M. Hansen, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 28 June 2017.

CLAUDE ROUILLER

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

DRAŽEN PETROVIĆ