

W. (No. 2)

v.

EPO

123rd Session

Judgment No. 3805

THE ADMINISTRATIVE TRIBUNAL,

Considering the second complaint filed by Mr S. W. against the European Patent Organisation (EPO) on 15 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 complainant filed a complaint impugning the final decision of the EPO Administrative Council rejecting his request for review of the Administrative Council decision CA/D 10/14. In the complaint form the complainant indicated that he had received this decision on 15 July 2015.

2. The complaint was filed on 15 October 2015, i.e. 92 days following the notification of the decision impugned.

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".

4. Accordingly, the complaint 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.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 2 November 2016, 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 8 February 2017.

CLAUDE ROUILLER

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

DRAŽEN PETROVIĆ