

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

M. G. (No. 2)

v.

EPO

134th Session

Judgment No. 4574

THE ADMINISTRATIVE TRIBUNAL,

Considering the second complaint filed by Mr M. M. G. against the European Patent Organisation (EPO) on 14 January 2022;

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

Having examined the written submissions of the complainant;

CONSIDERATIONS

1. The complainant impugns a final decision of the EPO dated 15 October 2021, received, as he specified in the complaint form, on the same date. He filed his complaint with the Tribunal on 14 January 2022.

2. Article VII, paragraph 2, of the Statute of the Tribunal provides that “[t]o be receivable, a complaint must [...] have been filed within ninety days after the complainant was notified of the decision impugned”.

3. In this case, the ninety-day period provided for in Article VII, paragraph 2, of the Statute ended on Thursday, 13 January 2022, which was not a public holiday. Accordingly, the complaint filed on 14 January 2022 is time-barred.

4. Being clearly irreceivable, the complaint must be summarily dismissed in accordance with the procedure set out 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 27 May 2022, Mr Michael F. Moore, President of the Tribunal, Mr Patrick Frydman, Vice-President of the Tribunal, and Ms Hongyu Shen, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered on 6 July 2022 by video recording posted on the Tribunal's Internet page.

MICHAEL F. MOORE

PATRICK FRYDMAN

HONGYU SHEN

DRAŽEN PETROVIĆ