



Institut der beim Europäischen Patentamt zugelassenen Vertreter  
Institute of Professional Representatives before the European Patent Office  
Institut des mandataires agréés près l'Office européen des brevets

**Ausschuss für Standesregeln**  
**Professional Conduct Committee**  
**Commission de Conduite Professionnelle**

# Key information

for

Professional Conduct Committee  
(PCC)



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## Key Information The Professional Conduct Committee (PCC)

This brochure<sup>1</sup> has been prepared for the information of **epi** members who are interested in joining the Professional Conduct Committee and for its members, particularly the newly elected members.

### I. Introduction

The Professional Conduct Committee (PCC) deals with matters relating to the professional conduct of **epi** members.

Key tasks of PCC are formulating **recommendations** on professional conduct for all **epi** members and providing **opinions** on conduct-related enquiries from individual **epi** members. PCC further assists the **epi** President in preparing comments for disciplinary proceedings and supports all **epi** bodies in matters concerning professional conduct.

This brochure provides an overview of:

- i. The **framework** of the Institute and the role of PCC, based on its Terms of Reference (ToR)
- ii. the **structure and activities** of PCC, from a practical perspective; and
- iii. the **most relevant provisions** concerning the work of PCC, mainly those found in [the epi By-Laws \(BL\)](#), [the Regulation on Discipline \(RDR\)](#), and [the epi Code of Conduct \(CoC\)](#).

### II. The Institute of Professional Representatives before the European Patent Office (epi)

The 2000 revision of the EPC has anchored **epi** in the EPC and confirmed that the Administrative Council (AC) of the European Patent Organisation (EPOrg) is competent to adopt and amend provisions governing the Institute<sup>2</sup> and the disciplinary power exercised by the Institute or the EPO in respect of professional representatives<sup>3</sup>.

Decisions by the AC are normally preceded by a consultation of one of the AC committees; for provisions governing **epi** and the disciplinary, this is the Committee on Patent Law (CPL).

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<sup>1</sup> This version reflects the present situation. The **epi** Council has adopted proposals for amending the Regulation on Discipline; however, the amendments need to be adopted by the Administrative Council of the European Patent Organisation (see Chapter II). This brochure will be updated when the amended Regulation on Discipline will enter into force, together with consequential amendments of several by-laws of the Institute, most likely in 2027.

<sup>2</sup> Article 134a(1)(a) EPC

<sup>3</sup> Article 134a(1)(c) EPC



## **The Regulation on the establishment of an Institute of Professional Representatives before the European Patent Office<sup>4</sup> (aka the Founding Regulation, FR)**

This Regulation was adopted on 21 October 1977 and amended several times since. It established the Institute<sup>5</sup> and defined its objects<sup>6</sup>. It provides for an election of a Council, which in turn elects a Board<sup>7</sup> and a Disciplinary Committee<sup>8</sup>. The Council may set up other committees and fix their terms of reference<sup>9</sup>.

## **The Regulation on Discipline for professional representatives (in short, the Regulation on Discipline, RDR)**

This Regulation was also adopted on 21 October 1977 and amended twice since. It contains the Rules of Professional Conduct (i.e. Articles 1 to 3 RDR) and provisions governing the disciplinary power to be exercised by the Institute (by the Disciplinary Committee of the Institute) and by the EPO (by the Disciplinary Board and Disciplinary Board of appeal of the EPO).

## **The Code of Conduct of the Institute of Professional Representatives before the European Patent Office (in short, the Code of Conduct, CoC)**

According to the Founding Regulation, the Institute may make recommendations on conduct<sup>10</sup>; as specified, these recommendations must be “within the terms” of the RDR, i.e. they can only explain the Rules of Professional Conduct without altering their scope. The Code of Professional Conduct has been adopted on 13 November 1979 and is amended regularly.

## **The Professional Conduct Committee (PCC)**

The Council may set up committees and fixes their terms of reference<sup>11</sup>. As the **epi** Council adopted the CoC, it set up a committee to deal with professional conduct.

# **III. Terms of Reference of the Professional Conduct Committee (PCC)**

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<sup>4</sup> Supplement to OJ EPO 1/2014, 110-116

<sup>5</sup> Article 1 FR

<sup>6</sup> Article 4 FR

<sup>7</sup> Article 8(2) FR

<sup>8</sup> Article 11(2) FR

<sup>9</sup> Article 12 FR

<sup>10</sup> Article 9(3) FR

<sup>11</sup> Article 12 FR

The Terms of Reference (ToR) of PCC have regularly been updated by Council, usually on a proposal by PCC supported by the By-Laws Committee. The ToR define the missions and the composition of the committee; according to the By-Laws, PCC organises itself like every other committee<sup>12</sup>, with the proviso that it is invited<sup>13</sup> to appoint a chair, a vice-chair and a committee secretary.

*1. The Professional Conduct Committee shall*

*a) deal with the formulation of recommendations in compliance with the Founding Regulation [Art. 4(c)];*

Whilst it is the Administrative Council (AC) of the European Patent Organisation (EPOrg) that adopts the Regulation on Discipline (RDR), one of the objects of **epi** is to promote compliance by its members with the Rules of Professional Conduct, inter alia through the formulation of recommendations<sup>14</sup>. Such recommendations are formulated by PCC, either of its own initiative or on request, before being adopted by the **epi** Council. The **epi** Code of Conduct (CoC) can be seen as a collection of such recommendations. Additional recommendations exist such as the recommendation on the use of titles. Recommendations on conduct have to be adopted with a two-third majority by **epi** Council, see Art. 50.2 of the **epi** [By-Laws](#). The *WG Amendments of the CoC* prepares proposals for amendments of the CoC.

*b) assist the Secretary General for giving opinions requested according to paragraph 7(c) of the Code of Conduct of the Institute;*

The disciplinary bodies consider alleged breaches of the Rules of Professional Conduct but are not competent for giving opinions on the permissibility of any act or omission of an **epi** member under the RDR or the Code of Conduct (CoC). Members are however given the right to seek an opinion on the permissibility, under the CoC, of any act or omission the Member proposes<sup>15</sup>. This request must formally be sent to the Secretary General, who delegates this task to PCC. Such opinion is not binding on the disciplinary bodies<sup>16</sup>.

At the same time, PCC is careful to ensure its work does not stray into areas that are the responsibility of the disciplinary bodies. PCC traditionally declines to provide an opinion about acts or omissions by others than the requesting member.

PCC has established chambers to provide such opinions on request of **epi** members.

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<sup>12</sup> Article 18.3 BL

<sup>13</sup> Request of the Board to all committees

<sup>14</sup> Article 4d) FR

<sup>15</sup> Article 7c) CoC

<sup>16</sup> Ibid.

*c) propose to the Board lists of members of the Institute for submission to the President of the European Patent Office and to the Administrative Council concerning appointment to the Disciplinary Board and to the Disciplinary Board of Appeal respectively.*

PCC aims to proactively propose lists of members about 9 months before the end of the term of office of the **epi** members of the Disciplinary Board (DB) and to the Disciplinary Board of Appeal (DBA).

*d) assist the President for giving comments under Art. 12 of the Regulation on Discipline.*

Under Article 12 RDR, the **epi** President has the right to be heard in disciplinary proceedings<sup>17</sup>, which consists in being given an opportunity to comment before any final decision is taken. Selected members of PCC, which form the Advisory Group within PCC, are in turn given by the President the opportunity to assist. At the specific request of the President, members of the Advisory Group provide comments to a specific case after checking the absence of conflict of interest.

*2. For this Committee the maximum number of members which may be elected from each member state is one full member and one substitute member. None of these members shall be a member of any disciplinary body nor of the **epi** Board.*

According to the practical implementation of this provision<sup>18</sup>, candidates must have a factual link with the constituency, which can be established either by having their place of business or employment in the country, or by having the nationality of the country, or by having the support of a Council representative representing the constituency.

The conflict with membership of any disciplinary body and of the **epi** Board is due to the tasks entrusted to PCC in its ToR, items 1a) to d).

*3. The members of this Committee shall keep secret and confidential all the information and documentation related to the exercise of their tasks under these Terms of Reference and shall not use it for any other purposes.*

PCC communicates through reports to Council and Board (the latter being accessible to all Council members) and through the publication of articles and notices in the quarterly journal of the Institute, **epi** Information. Working documents of PCC are to be treated as confidential, more

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<sup>17</sup> Since the **epi** President has the right to be heard in disciplinary proceedings and the right to appeal, it was thought that they should not provide opinions under paragraphs 7(c) of the Code of Conduct as to the permissibility of any act or omission of an **epi** member under the RDR or the CoC. This explains why the Secretary General is the formal addressee of such requests for opinion by **epi** members.

<sup>18</sup> Rule 6 of the Rules for Committee Elections (third paragraph).

particularly those relating to opinions requested under Article 7(c) of the CoC (the Secretary General has access to the latter, and the President to all others).

Among the objects of the Institute, several have relevance to the ToR of PCC. The most relevant is to promote compliance by the members with the Rules of Professional Conduct, inter alia through the formulation of recommendations<sup>19</sup>. One could also consider that PCC aids in the dissemination of knowledge appertaining to the work of its members in the area of professional conduct<sup>20</sup> by the provision of opinions to members and by the publication of articles and notes in **epi** Information. PCC further supports other **epi** bodies in matters of professional conduct. PCC also supports the Institute when the latter collaborates with the EPORG on matters relating to the profession of professional representatives and in particular on disciplinary matters<sup>21</sup>.

PCC members should also report on the work of PCC and professional conduct matters to their Council representatives and to their constituency. At the same time, PCC members should keep PCC up to date on developments in professional conduct matters in the EPC member states.

Notwithstanding the limitation of its ToR to professional conduct, PCC is occasionally consulted about matters regarding the profession when no other committee is responsible.

## IV. Members

According to its ToR, PCC can have one full member and one substitute member for each EPC contracting state. **epi** Council elects the members of PCC online before the first autumn Council meeting of a newly elected Council. By-elections for open vacancies take place during the other regular Council meetings.

The Chair may appoint associate members to the committee.

All members (full, substitute and associate members) are encouraged to actively engage in the work of PCC, in particular within its Working Groups. All full members are part of one of the PCC chambers and are expected to contribute whenever an opinion is to be provided by the chamber (usually not more than once a year). The **epi** [By-Laws](#) include further provisions regarding the rights and duties of full, substitute and associate members of committees<sup>22</sup>.

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<sup>19</sup> Article 4 c) FR

<sup>20</sup> Article 4 b) FR

<sup>21</sup> Article 4 a) FR

<sup>22</sup> Respectively in Articles 18B.4, 18.5 and 18.6 BL. In a nutshell: full members contribute actively, take part in meetings, arrange for substitution in case they are unable to actively participate, take part in votes and elections and are eligible as officer; substitute members contribute actively, may take part in meetings at their own expense; associate members receive all documents but can only take part in meetings if invited.

In addition, the members should keep PCC up to date on developments in professional conduct matters in the EPC member states. The members should also spread information on the work of PCC and professional conduct matters to their Council delegates and national groups.

PCC members who are members of other **epi** working groups or **epi** bodies act as liaison members to ensure the exchange of information between PCC and other committees/bodies.

The current members of PCC and its working groups are listed on the **epi** website: [Professional Conduct Committee](#).

## V. Meetings

PCC meets usually twice a year as a committee, once in person in September, once online in March. In addition, shortly before the Autumn and Spring Council meetings, an online meeting is often held for finalizing PCC agenda items for the Council meetings.

PCC meeting dates are as much as possible decided during the in-person meeting, else with a doodle.

All full members should attend the meetings; substitute members have the right to attend, but for in-person meetings at their own costs unless they substitute a full member, whilst associate members do not have the right to attend meetings, unless invited<sup>23</sup>.

The **epi** President (Vice-Presidents) have the right to attend the meetings (without the right to vote)<sup>24</sup>.

The travel expenses to in-person meetings are reimbursed according to the Rules for Reimbursement (see [Council Decisions](#) 5.4.). The travel expenses are reimbursed only to full members and to substitutes effectively substituting the full member representing the same constituency. Any exceptions to the Rules for Reimbursement are to be requested to the Treasurer ([treasurer@patentepi.org](mailto:treasurer@patentepi.org)) in advance.

## VI. Chambers and Working Groups

PCC has established several working groups to examine key topics in depth. In addition, chambers have been established for giving opinions on enquiries of **epi** members in accordance with Article 7(c) CoC. Further, PCC has a sub-group of third members for assisting in discussing grievances in

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<sup>23</sup> Ibid.

<sup>24</sup> Article 13.4 BL

which an **epi** member is involved. An advisory group composed of PCC members appointed by the **epi** President advises the **epi** President on disciplinary matters.”

All PCC members are encouraged to contribute to one or more of the **working groups** and the sub-group of third members. The working groups and the sub-group usually meet online, at least two times a year and as often as needed. PCC budget leaves room for one in-person meeting a year for one of the working groups or for the sub-group. The chairs of the working groups and the sub-group of third members are elected at the beginning of each term by their members. In PCC, substitutes are welcome to chair a working group or a sub-group. In a nutshell, both full and substitute members participate actively.

All full PCC members are allocated to a **chamber** for giving opinions on enquiries of **epi** members in accordance with Article 7(c) CoC. All substitute PCC members who volunteer are allocated to a chamber as well. Each chamber works on approximately one case per year, depending on the number of incoming enquiries. The chairs of the chambers are appointed at the beginning of each term by the PCC Chair.

The chairs of the chambers, the working groups and the sub-group coordinate the work of the respective groups, liaise with the PCC Chair, and report on their activities at the full PCC meetings.

Communication within the chambers, working groups and sub-group should be mainly within a dedicated forum channel so that discussions and work results are available also for other members in the following term.

## **a. Chambers**

For giving opinions on enquiries of **epi** members in accordance with Article 7(c) CoC, the PCC Chair sets up chambers (one for dealing with requests in French or English, one for dealing with requests in German or English, and as many as possible for dealing with requests in English) and appoints their chairs. All full PCC members are allocated to a chamber. Substitute members who volunteer are allocated to a chamber as well. It is expected that the members of a chamber actively contribute to the discussion in the chamber.

Enquires of **epi** members concerning the permissibility, under the CoC, of any act or omission the member proposes, are first posted (in anonymised format) during a couple of weeks in the PCC section of the Forum, for all PCC members to comment if they wish.

In parallel, the PCC Chair allocates each request to a chamber for preparing a draft opinion, considering the comments posted in the Forum.

The opinion is sent by the legal advisor directly to the enquiring member, signed by the Chair of the Chamber and the PCC Chair, with a copy to the Secretary General. It is expected that opinions be

provided within two months. Opinions relating to topics of general interest to the members are published (in an anonymised form) in **epi** Information.

The chamber is also entrusted with the preparation of an anonymised version of the opinion for inclusion in an internal database of opinions, accessible to all PCC members.

### **b. WG Amendments of the CoC**

The *WG Amendments of the CoC* discusses and elaborates possible amendments of the Code of Conduct (CoC). The proposed amendments are discussed at the full PCC meeting and, after a decision of PCC, presented to **epi** Council for adoption. The most recent amendments (2023-2026) included a provision on file keeping and an amendment of the provision on transfer of files.

### **c. WG Database of Opinions**

The *WG Database of Opinions* anonymizes opinions provided by the Chambers on enquiries of **epi** members in accordance with Art. 7(c) CoC, or reviews them when already anonymised by the chambers, and anonymizes answers to conduct-related questions given by the legal advisor with support by the PCC Chair. The WG further maintains and improves a database of the anonymized opinions and answers to conduct-related questions.

### **d. WG Training Activities**

The *WG Training activities* develops topics for webinars and podcasts and suggests these topics to the Professional Education Committee (PEC). Members of the WG may also be presenters or moderators for the proposed webinar or podcast, in coordination with PEC.

### **e. WG Use of AI**

The *WG Use of AI* develops guidelines on the use of AI in the work of European Patent Attorneys and monitors current developments in the use of AI in the profession.

### **f. WG Communication**

The WG *Communication* identifies and prepares PCC items for publication to **epi** members, e.g. via **epi** Information, the Newsletter, LinkedIn and the **epi** website. All WG chairs are members of the WG Communication. In addition, the WG Communication is open to all interested PCC members. The PCC Chair acts as liaison with the Editorial Committee.

### **g. Advisory Group**

The members of the Advisory Group advise the **epi** President on disciplinary matters, in particular in ongoing disciplinary cases in which the **epi** President has the right to submit comments before a decision is taken or in which the **epi** President has the right to appeal. The members of the Advisory Group are appointed directly by the **epi** President.

### **h. Sub-Group of Third Members**

The sub-group *Third Members* defines a workflow for discussing grievances concerning an **epi** member. These third members may also volunteer to act as a “third member” in accordance with Article 5(a) of the Code of Conduct.

## **VII. Chair, Vice-Chair, Secretary**

PCC has a Chair, Vice-Chair and Secretary as officers. The officers are elected during the first meeting of PCC in a new term. Only full members may stand for election. Only full members and substitute members substituting a full member at this meeting have a vote.

The PCC **Chair** has the overall responsibility for the Committee and its work. In particular, the Chair<sup>25</sup>

- represents the Committee in the Institute and attends Board and Council meetings when invited,
- coordinates the Committee work, organizes and chairs the Committee meetings, and prepares agendas in cooperation with the Vice-Chair and Secretary,
- aims to regularly attend the meetings of the working groups,

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<sup>25</sup> Articles 18.6 and 18B.3 BL

- allocates incoming enquiries in accordance with Art. 7(c) CoC to the Chambers and answers other questions together with the legal advisor,
- provides the PCC members with any relevant information relating to the Presidium, Board and Council,
- ensures that written reports of the activity of the Committee are submitted at least twice a year to Council, at least twice a year to all **epi** members via **epi** Information and annually via the annual report; and that reports (in written or oral form) are provided to the Board whenever useful,
- supports the work of the working groups and aims at regularly attending the meetings of the working groups, and
- is responsible for preparing a draft budget in cooperation with the Treasurer and for aligning the Committee work within the set budget.

The PCC **Vice-Chair** supports the PCC Chair in their tasks and steps in for the PCC Chair when needed or when the latter is unavailable.

The PCC **Secretary** supports the PCC Chair (and the Vice Chair). Further, the Secretary

- prepares meeting agendas in cooperation with the PCC Chair,
- ensures that action and decision items of full committee meetings are recorded and followed up, and
- supports the PCC Chair in providing reports.

## VIII. Legal advisors; Committee Support

PCC is supported by one of the **legal advisors** employed by **epi** ([legaladvisor@patentepi.org](mailto:legaladvisor@patentepi.org)).

The legal advisors provide legal advice, conduct legal research and inform PCC of developments in conduct-related matters as necessary. They provide support when preparing reports and other papers such as position papers.

PCC is further supported by a committee support team, employed by **epi** ([committees-support@patentepi.org](mailto:committees-support@patentepi.org)). The committee support team provides administrative support to the committee, including taking care of meeting organisation and administering the **epi** forum channels of the committee.

## IX. Disciplinary law

Disciplinary law is the branch of law dedicated to controlling the conduct of professionals governed by a professional order, in accordance with the specific standards that govern the exercise of a profession. It can apply in a large variety of situations, from the military to sports. Each profession is governed by its own laws and regulations. The disciplinary process touches on certain principles of civil and penal law, making it a hybrid legal system. Of relevance is Article 6 of the European Convention on Human Rights, which guarantees the right to a fair and public trial within a reasonable time by an independent, impartial, and lawful tribunal.

Disciplinary law regulates professional conduct by enforcing ethical standards to protect the public and maintaining professional integrity. Its primary purpose is to uphold public confidence in the profession by enforcing the rules of conduct of the profession. It does not resolve grievances between members (such as, typically, unpaid invoices) but deals with them insofar as they represent breaches of the rules of conduct of the profession.

For European Patent Attorneys, the Rules of Professional Conduct are Articles 1 to 3 RDR, which the Institute (i.e. the Council) can supplement by making recommendations on conduct “within the terms” of the RDR<sup>26</sup>. The disciplinary proceedings are defined in the RDR, supplemented by Additional Rules of Procedure of the disciplinary bodies.

A complaint is first dealt with by the first instance (the Disciplinary Committee of the Institute, which needs to refer cases to the Disciplinary Board of the EPO for possible more severe sanctions). The Presidents of **epi** and EPO both have the right to comment before the decision is taken<sup>27</sup>.

An appeal may be filed by the representative concerned, also by the Presidents of **epi** and EPO. It is dealt with by the Disciplinary Board of Appeal.

The complainant is not a party to the proceedings but is informed of the outcome.

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<sup>26</sup> Article 9(3) FR

<sup>27</sup> Article 12 RDR