

Kluwer Patent Blog

Search for successor of EPO president Benoît Battistelli has started

Kluwer Patent blogger · Thursday, July 6th, 2017

The search for a successor of Benoît Battistelli as president of the European Patent Organisation has started in full with the publication of a [vacancy notice](#) on the EPO website. It is obvious from the text that the controversial Battistelli, whose term in office ends in June 2018, has no chances to stay on.

According to the notice, which was decided on during last week's meeting of the EPO's Administrative Council (AC), candidates need to have 'thorough knowledge and proven practical application of modern management methods, including an outstanding ability to establish and foster social dialogue', among others. This seems to be a direct reference to the failure of the current president to improve the social situation at the EPO. Strikingly, it is merely considered as 'an advantage', according to the notice, if a candidate has 'practical experience in patent matters, in-depth understanding of the patent system and knowledge of the European Patent Organisation'.

Over the last years, Battistelli has constantly been in conflict with a significant part of the EPO employees. He has never recognized the most important staff union of the EPO, dismissed several SUEPO leaders, introduced controversial disciplinary proceedings and reforms of the career system, sick leave and other regulations; he was criticized for intimidating staff, disrespecting the independence of the Boards of Appeal and pushing through reforms of these Boards which failed to enhance their independence.

The social situation has long been an issue of concern of the AC. On 16 March 2016, the Council adopted a [Resolution](#), requesting the EPO president to improve the situation by taking a series of measures. But despite an external social audit and [mounting pressure](#) little changed. Last February, the Dutch minister Bert Koenders of Foreign Affairs wrote a [letter to parliament](#) (English translation [here](#)) stating: '(...) I informed Mr Minnoye [a vice-president of the EPO, ed.] that the internal unrest has been going on for too long and that the situation now needs to improve quickly.' Although the Netherlands is one of the most vocal critics of Battistelli who, despite the criticism enjoys support of a significant minority in the AC, it seems the Council has now decided that it is time for another type of leader.

Battistelli has often pointed out he has [improved the productivity of the EPO](#), and said ‘that the reforms introduced at the EPO in the past five years are effective and reflect the needs of the European economy’. Yesterday, the EPO published its first ever [Quality Report](#), ‘a new annual review of how the Office implements its quality policy in all of its products and services. (...) it aims to increase transparency on the effects of that policy, while also serving as an additional instrument for the EPO to systematically monitor and improve its measures relating to quality assurance.’

According to a [report of IAM Media](#), it is the first time that the criteria for selecting an EPO president have been made public. ‘That there will now be a set of points against which to judge future presidential performance is a major step forward. In theory, it should make the Administrative Council – which takes the final decision on who gets the job – much more openly responsible for its choice and, therefore, more likely to hold the new president to account publicly. Whether it will work out like that in practice, though, remains to be seen. (...)’

Candidates for the EPO presidency must apply before 15 September. ‘The term of office is five years, starting on 1 July 2018, and it may be renewed. The conditions of contract are subject to negotiation between the successful candidate and the Chairman of the Administrative Council, within a framework (model contract) set by the Council.’

This means the new president will have to discuss his job conditions with Dr. Christoph Ernst from Germany, who was elected as successor of AC Chairman Jesper Kongstad during last week’s meeting. Ernst, who has been a member of the AC for Germany, will start his work in October. According to the German legal website [JUVE](#), he is a moderate critic of Battistelli, who questioned several of the president’s reforms in AC meetings.

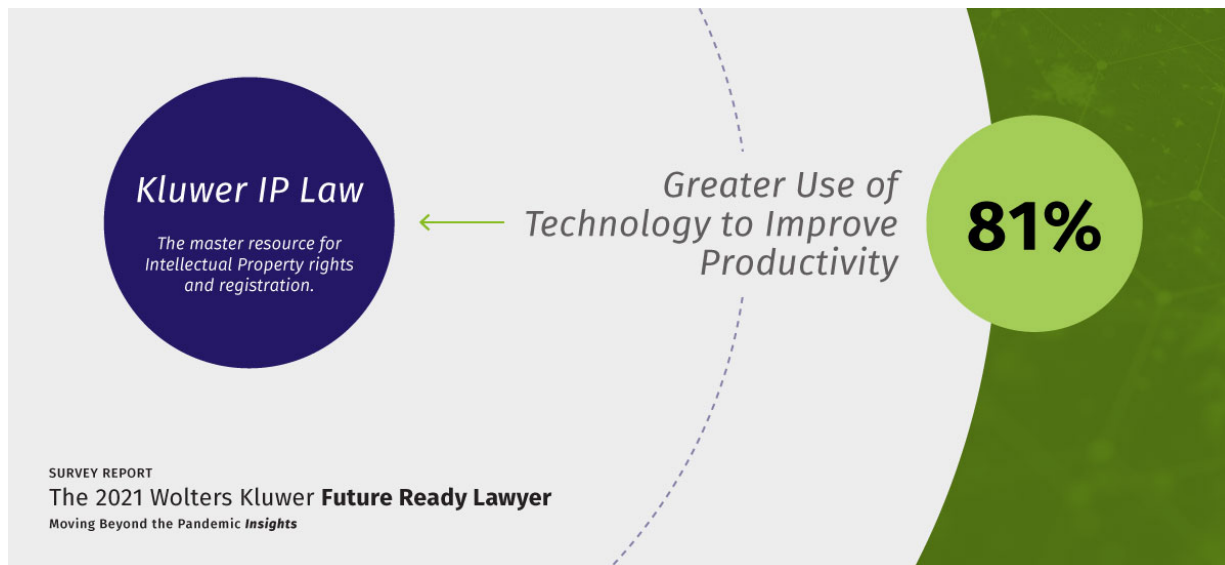
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This entry was posted on Thursday, July 6th, 2017 at 1:28 pm and is filed under [EPC](#), [EPO](#), [European Union](#)

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