

Heavy task lies ahead of Antonio Campinos as future EPO president

Kluwer Patent Blog
October 19, 2017

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Please refer to this post as: *Kluwer Patent blogger, 'Heavy task lies ahead of Antonio Campinos as future EPO president', Kluwer Patent Blog, October 19, 2017, <http://patentblog.kluweriplaw.com/2017/10/19/heavy-task-lies-ahead-of-antonio-campinos-as-future-epo-president/>*

The appointment of Antonio Campinos as new president of the European Patent Organisation has had a cautious reception. Campinos was elected during a meeting of the Administrative Council of the EPO earlier this month. He will succeed the controversial president Benoit Battistelli, whose term in office has been marked by years of deep social unrest.

The appointment of Campinos, whose five-year term will start on 1 July 2018, didn't come as a surprise. He had long been considered a potential successor of Battistelli. His only competitor was Cuno Tarfusser, an Italian judge at the International Criminal Court. No more than one round of voting was necessary to reach the qualified majority of three quarters of the votes of the 38 member states.

Campinos' experience in IP affairs is undisputed and he has shown his leadership skills as executive director of the European Union Intellectual Property Office (EUIPO) for seven years. Before that, he was president of the Portuguese Institute of Industrial Property (INPI) and served as the Portuguese representative on the EPO's Administrative Council.



At the EUIPO, Campinos 'led a transformation of the EUIPO's operations, oversaw the convergence programme [leading to greater harmonisation of practice across the continent, ed.], expanded the office's operations and worked with national offices to facilitate the expansion of European Trademark and Design Network activities', according to a report of the *World Trademark Review*, which asked relevant associations and national IP offices in the EU for a reaction. 'Mr Campinos brings tremendous value to the EPO', 'He brings with him a wealth of experience and knowledge of both the challenges and the opportunities that the global IP system presents', were just a few of their positive words.

At the EPO, Campinos will certainly need all these qualities, as he will have to cope with severe problems at the organisation. While the *EPO reports about improved productivity*, a recent *post on this blog* - about a lecture of the new chairman of the EPO's Administrative Council, Christoph Ernst - describes the catastrophic backlog of EPO appeal cases, created among others by the serious understaffing of the Technical Boards of Appeal. There have also been concerns about deteriorating *patent quality*.

Another big issue are the deep social conflicts at the EPO. President Benoit Battistelli has been under fire for years - not only internally, but also from courts and several member states - for his authoritarian leadership and the way he pushes through reforms. He doesn't recognize the most important staff union, SUEPO, demoted or dismissed several of its leaders, introduced controversial disciplinary proceedings; he was criticized for violating fundamental rights of its staff and ignoring the independence of the Boards of Appeal. Several suicides have been linked to the problems at the EPO.

The social tensions rose to such a level that in the vacancy notice for a new president, which was published this summer, 'thorough knowledge and proven practical application of modern management methods, including an outstanding ability to establish and foster social dialogue' were deemed more important than the 'advantage' that a candidate had 'practical experience in patent matters, in-depth understanding of the patent system and knowledge of the European Patent Organisation'.

Apparently, EPO member states think the Portuguese Campinos is the right man to tackle the problems. A diplomatic source told Kluwer IP Law he is seen as a person 'who will be able to improve social relations and enter into dialogue with workers and unions, after a period of very effective reforms by Benoit Battistelli, which have led to increased productivity.' The German legal website *JUVE* quotes a Spanish trademark expert as saying Campinos (who was born in France and, according to *JUVE*, has the French as well as the Portuguese nationality) is 'an experienced IP lawyer and a pleasant and passionate director, who is committed to the EUIPO staff.'

An editor of the *Trademark World Review* pictures *Campinos favourably* as well. 'Campinos is equally results oriented, but is careful to take staff on the journey to delivery with him. (...) Additionally, internal staff satisfaction and development (specifically building a "dynamic and knowledgeable organisation", with a focus on "talent management, collaborative working and further improvements both to HR processes and to the work environment in order to support new, more effective and sustainable ways of working") is one of the office's strategic actions.'

The SUEPO, in the meantime, has issued a cautious, conciliatory declaration: 'We are ready to embark on a road to fruitful cooperation with Mr Campinos (...). Unfortunately, on taking up his post, the new President will inherit the following problematic legacy:

- violations of fundamental rights and an apparent systematic disregard for the rule of law;
- management by fear, isolation and punishment championed by the current higher management;
- a culture of arbitrariness and repression (...);
- a code of silence that makes it impossible to raise awareness of a problem (...) without the fear of reprisal. This same culture also emerges in the EPO's unwillingness to investigate properly the six suicides that occurred during the current presidency. Fortunately, a potential seventh suicide was miraculously averted only two weeks ago;
- a culture of repression and impunity worthy of the most autocratic of regimes (...).'

In its declaration, SUEPO calls for a social dialogue between management, Administrative Council and staff. 'SUEPO, as the largest staff union within the EPO, wishes to take part in this process with a constructive attitude if there is a willingness on his [Campinos, ed.] side to create propitious premises.'

The union also calls for bringing in an external expert and moderator and for the establishment of a working group, 'charged to:

- a) Engage in truth-finding (...);
- b) Revisit Council resolution CA/26/16, including reversing the sanctions of all staff representatives and union leaders (...);
- c) Without questioning the spirit and goals of the recent reforms, identify any legal lacunae or incompatibility, identify any problems with implementation practices, and recommend concrete remedies.

(...) Mr Campinos will find that SUEPO is a very reliable and predictable social partner. We look forward to being able to work with him soon.' (complete text available [here](#))

The *Techrights blog*, which has been reporting for years on the problems at the EPO, is not convinced at all that Antonio Campinos will be an improvement and has pointed at the close ties between the current and the new EPO president, who have known each other for a long time. 'Is only Battistelli being ejected but not Battistelli-ism? We certainly think so. What's more, a lot of recently-promoted top-level management is French amici of "king" Battistelli. It's stuffed with his people and there's no "swamp-draining" anywhere in the foreseeable future/horizon.'

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