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Cautious optimism after the first hundred days of EPO president António Campinos

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On 1 July 2018, António Campinos became president of the European Patent Office, as successor of Benoit Battistelli, whose authoritarian leadership and conflicts with staff members and union leaders led to years of deep social unrest at the EPO. Hundred days after the leadership change, there is cautious optimism Campinos is committed to improving the situation and will take complaints about working conditions and patent quality seriously. Still, in painful dossiers concerning employees who were in conflict with Battistelli, he hasn't acted.



“What a busy few weeks these have been”, António Campinos wrote in a [blogpost on 26 July](#), less than four weeks after he took office. “As well as a string of management meetings and other duties expected of a new President, I’ve had many enjoyable and productive meetings with staff members from across the EPO, on an individual basis. I felt it important to meet staff one-on-one because their knowledge and understanding of this organisation is crucial for assessing how we can make the Office an even better institution and in which areas we should start to think about making further improvements. So, in nearly a hundred individual coffee meetings in Munich and The Hague – no, I didn’t have coffee every time! – I was able to gather honest and direct feedback from our employees to feed into a strategic plan. (...) These meetings will continue for the next few months and I will meet hundreds more staff members – over 900 have enrolled – as I seek to gather more input that will feed into the strategy of the Office.”

Open to discussion

The message of his blogpost is clear: António Campinos is here to listen. And several observers have confirmed to Kluwer IP Law that these words reflect the reality: the

new EPO president, who was chosen for the job among other because of his 'thorough knowledge and proven practical application of modern management methods, including an outstanding ability to establish and foster social dialogue', has been talking and listening a lot over the last months. They agree: this is as a positive change from the past.

The article [Campinos gives 'strikingly different' tone in EPO's CSC meeting](#), which was published last month on the website IPPro Patents, seems to confirm this. According to the article, the Central Staff Committee (CSC) had said that 'Campinos showed himself as "open to discussion"', during a meeting in which the CSC argued that the EPO's HR policy poisoned the working atmosphere, among others. The CSC was invited to 'summarize further issues' and a follow-up meeting was planned. According to IPPro Patents, the CSC said: "A few small steps forward have been made, others not. We perceived it as a first move in the right direction."

According to Thorsten Bausch of Hoffmann Eitle, one of four German patent law firms which published [an open letter in June expressing concern about developments at the EPO](#), 'it is too early to say whether and to what extent the new EPO management will change course and again prioritize quality over production targets, but at least it seems that new President listens better to his staff and stakeholders. This is certainly an improvement in the working climate at the EPO which is to be welcomed.'

Bausch is positive for another reason as well: 'If rumours I heard are true, the new President also plans to return the 10th floor of the Isar building in Munich - converted by Battistelli into his private penthouse - to office use, which would be an important and quite positive signal of more personal modesty and dedication to the common good cause. In addition, it would also be very important to restore trust in the EPO as an institution that respects the rule of law and the rights of staff, not least because this would also have a direct impact on the EPO's attractiveness as an employer for highly qualified examiners.'

Despite the positive signs in the first hundred days, it is clear that Campinos will still have to show what his ambitions and abilities are. This blogger found it was very hard to get information from EPO employees. Under Article 19 of the [Service Regulations](#), they don't feel free to say anything about their work because it can lead to all kinds of sanctions. The climate of fear has not disappeared. It means that despite the new president's invitation to speak out, people may be reluctant to do so.

In this respect: it seemed such an improvement that the president opened his blogposts for comments. But not one single reaction has appeared online. This cannot be because nobody has an opinion about the EPO, can it? It would certainly help Campinos' ambition to hear what people have to say about his organisation, if comments were published below his blogposts or, at least, it was clear what happens with them.

Labour conflicts

The new president has not used his first hundred days in office to act in a number of painful dossiers concerning employees, mostly (former) leaders of the SUEPO trade

union, who were in conflict with Battistelli and were fired or demoted on dubious grounds.

In the same week that Battistelli said goodbye, the Administrative Tribunal of the International Labour Organisation (ILOAT) [reversed his dismissals and downgrading of SUEPO leaders](#) Ion Brumme, Elizabeth Hardon and Malika Weaver - after years of uncertainty (and lack of income). High sums of moral damages had to be paid. Brumme was allowed to return to work, Weaver's demotion was reversed, but Hardon's case was remitted by the ILOAT to the EPO for a new decision and she hasn't heard anything since.

Nor has the change of leadership led to change in the situation of former union leader Laurent Prunier, who claims it is obvious from various documents that he was dismissed by Battistelli illegally as well, just as in the cases of Brumme and Hardon. Unless the EPO acts, he may have to wait for justice until his case is finally up for a decision at the ILOAT somewhere next year.

A very questionable case which is still pending as well concerns Patrick Corcoran, an Irish board of appeal member who was suspended in December 2014 on suspicion of having distributed defamatory material about the EPO upper management. No less than three and a half years later the ILOAT ruled that Corcoran should be immediately reinstated in his former post (see [here](#) and [here](#)) and the Landgericht München [acquitted](#) Mr. Corcoran of all charges. However, as his term at the Boards of Appeal was almost over and was not extended by the Administrative Council, Mr. Corcoran was effectively hindered to resume his work as an appeal board member and was demoted to become examiner again. On top of that, Battistelli decided to have Corcoran transferred to another specially created post in The Hague, where the judge had never lived, which meant one additional significant and unwarranted hardship for him.

These cases are widely considered as a darker part of the legacy of former EPO president Benoit Battistelli. If António Campinos deals with these in a way which is seen as appropriate and correct, this will certainly strengthen the cautiously positive first impression the new EPO president made in his first hundred days.

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