

Administrative Council urged to help end 'persistent atmosphere of intimidation' at the EPO

Kluwer Patent Blog
November 23, 2018

Kluwer Patent blogger

Please refer to this post as: *Kluwer Patent blogger, 'Administrative Council urged to help end 'persistent atmosphere of intimidation' at the EPO', Kluwer Patent Blog, November 23 2018, <http://patentblog.kluweriplaw.com/2018/11/23/administrative-council-urged-to-help-end-persistent-atmosphere-of-intimidation-at-the-epo/>*

The Administrative Council of the European Patent Office must act and support president António Campinos in initiatives to end 'the persistent atmosphere of intimidation' at the EPO. That is the message of a letter which was sent to the heads of delegation of the Administrative Council (AC) earlier this week by the EPO-FLIER Team, 'a group of concerned staff of the European Patent Office who wish to remain anonymous due to the prevailing harsh social climate at the Office.' EPO-FLIER has been active since 2014.

António Campinos succeeded Benoît Battistelli as EPO president in July of this year. It was hoped he would do something about the harsh social climate and concerns about deteriorating patent quality, both remnants of the Battistelli era.



After hundred days in office, cautious optimism prevailed about Campinos' actions to improve social relations. The president himself wrote on his blog about his many conversations with staff members. 'In the meetings, a number of common themes have cropped up time and time again. It seems that there's a common understanding of the challenges we face and the possible solutions that we might envisage in the future. (...) And this is just the start. 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. And this input is on top of an extensive staff survey which is currently in preparation and which will ultimately provide us with more valuable feedback.'

Earlier this month, Campinos encouraged staff members who had come into conflict with EPO management over the last years and had pending cases before the Administrative Tribunal of the ILO to consider reaching an amicable settlement with the Office.

According to EPO-FLIER, it appreciates 'that President Campinos has issued several promising declarations of intent, and hope[s] that they will now be swiftly followed by concrete actions.'

However, so far little or nothing has changed for people who came into conflict with Battistelli and were sanctioned, according to EPO-FLIER, which published a document on the status of EPO disciplinary cases earlier this month. 'The staff considers most of the disciplinary measures taken by Mr Battistelli unfair, in particular those which targeted staff representatives, union officials and a Board of Appeal judge. During a general assembly this week, Munich staff [the Central Staff Committee] requested through a resolution that the damage done to their elected representatives be repaired and ongoing disciplinary proceedings be stopped. They also support the case of the staff representative and union official in The Hague whose case is currently pending at the ILO Tribunal.'

Genuine social dialogue can obviously only take place when such restoration and compensation for the abuses of Mr Battistelli and his administration have taken place. Solving these issues would further help to overcome the persistent atmosphere of intimidation and allow the staff to fully focus on the work to be done.

Mr Campinos' "trust capital" is already starting to erode. We therefore urge you to support him in introducing the changes the staff requests in its resolution', EPO-FLIER wrote to the AC representatives of the EPO's 38 member states, who act as the Office's supervisory body.

Patent quality

It seems some action has been taken concerning the quality of EPO patents. In one of the meetings Campinos held over the last months, he spoke to representatives of 14 German law firms who had expressed concerns about EPO patent quality earlier this year in a letter. After the meeting a 'constructive dialogue' was announced, without any specification how this dialogue would be organised.

However, there is some clarity now: the epi published a report on its website on 16 November, announcing that it will engage in the quality management process and work out projects together with the EPO.