

Kluwer Patent Blog

News from and about Eponia

Thorsten Bausch (Hoffmann Eitle) · Thursday, March 5th, 2020

While real news about one of the most popular topics of this blog, i.e. the UPC, is rare and no one following our blogs regularly (see e.g. [2016](#), [2017](#), [2018](#) and [2019](#)) should be greatly surprised about the UK's [decision to back out of the Unitary Patent System](#), the EPO continues to be a source of funny, sad, sometimes outrageous and sometimes boringly dull news of all sorts. Today is yet another example of such days.

Let's begin with some sad news for which the EPO is not to be made the main culprit though, at least in my view. The EQE 2020 has been **cancelled** in view of Covid-19 concerns. My deepest sympathy is with the thousands of trainees most of whom have worked so hard over the past weeks and months to pass this difficult hurdle. It must be frustrating when you are being told so shortly before the exam (less than two weeks) that it will not happen this March and may (but without any guarantees) be postponed to later this year. I guess that the majority of them will still sort of understand the EPO's decision, but perhaps I should take this opportunity to remind the EPO (and our EPI representatives) that it would be so much better and easier for trainees and their employers if this exam were to regularly take place at least two times a year. Perhaps the sad events of this year offer a good opportunity to generally reconsider the set up of the EQE. In the end no one is helped by holding back capable and well-educated scientists and engineers from practicing in their desired profession.

Moving on to political news, a "small inquiry" to the German government by the FDP fraction in the German Bundestag deserves to be mentioned. The full text is [here](#) (in German). The representatives of the FDP provide a fairly detailed summary of a lot of publications about the EPO in the press (with links) and then ask the Federal Government, inter alia, this:

1. Was the Government aware of the accusations published in the press of a loss of quality in the examination of patent applications and the granting of patents vis-à-vis the EPO under its previous management, and what is its view thereon?
2. Was the Government aware of the allegations published in the press of the EPO's "shadow budget" and risky financial management under its previous management and what is its assessment of these allegations?
3. In the opinion of the Government, are there any deficits in questions of financial management and the treatment of staff at the EPO?
 - a. If so, how does the federal government intend to take action in this regard?

- b. If not, does the Federal Government believe that the existing rules at the EPO on questions of financial management and staff treatment are sufficient?
4. Was the Government aware of the accusations published in the press that staff rights were being violated by surveillance and by labour law restrictions under the EPO's previous management and what is its view thereon?
5. To the knowledge of the Government, have complaints been made to the police against the EPO?
6. Was the Government aware of the accusation published in the press of employee surveillance by an internal investigation unit under the EPO's previous management, and what is its assessment thereon?
7. Was the Government aware of the accusation published in the press that the EPO was moving the Boards of Appeal (Petra Sorge, *Wo kein Richter...*, Cicero of 3 May 2018) in a way that would have a negative impact on legal protection, and what is its assessment of this?
8. In the view of the Government, does the "judicial" control of the EPO set up by the EPO itself (Petra Sorge, *Wo kein Richter...*, Cicero of 3 May 2018) constitute a control system that guarantees effective legal protection?
9. In the view of the Government, does the current structure of the Boards of Appeal at the EPO adequately fulfil their task as independent bodies not bound by instructions from the Office?
10. Is there, in the view of the Government, a need to change the "judicial" control system at the EPO?
- a. If so, how does the Government believe it should be restructured?
- b. If not, does the Government believe that the judicial control of the EPO is sufficient?
11. What is the Government's view of the effects of the EPO's legal independence on national and European law in order to resolve the criticism levelled at the EPO?
12. Is the Federal Government in a dialogue with the EPO regarding one or more of these accusations, and if so, to what extent?
- a. If so, which results have been achieved so far?
- b. If so, which goals does the government pursue with such a dialogue?
13. In the view of the Government, has the situation improved under the new management of the EPO with regard to one or more of these accusations?
14. Does the Government plan to draw political and legal consequences in the event that the allegations against the EPO continue under the new management, and if so, which ones?

A lot of very good questions, I would think. I guess, the Federal Constitutional Court might also

want to know the answer to some of them. Whether the representatives will get good (i.e. meaningful) answers back by the German Ministry of Justice, though, will remain to be seen. I would not hold my breath. But stay tuned, I will try to follow up on this. Transparency is important.

Finally, something more on the light side about diversity and inclusion in the EPO – finally some progress, as it seems. [This](#) made me laugh out loud. Though it perhaps should not. Maybe some readers can enlighten me about what facts were behind this delicious flier.

Good night.

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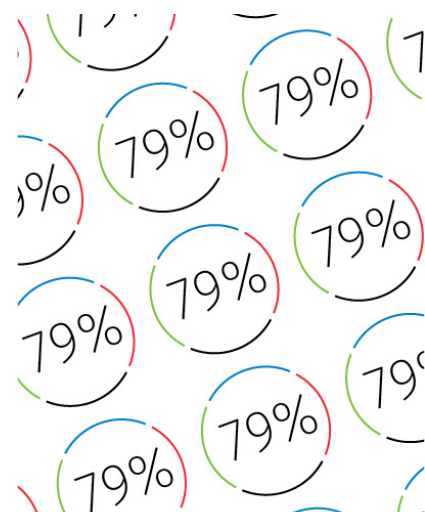
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