

# Autocratic Frenchman under fire

By Florence Autret | 03/03/2016, 7:00 | 618 words



According to the Dutch daily De Telegraaf of 26 February, Benoît Battistelli is said to have demanded a golden handshake to speed up his departure (his term of office was renewed in 2015) of ...18 millions Euros, which would correspond to ten years of service. (Credits: DR) Business at the European Patent has never been better. But discontent is growing against the President. Criticized for his authoritarian management style, accused of nepotism, Benoît Battistelli is said to have attempted to negotiate his own departure – at least, according to the Dutch press. On Thursday, at a press conference in Brussels, he denied this completely, and denounced what he called a “campaign of calumny”.

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On 3 March this 65-year-old graduate of the prestigious French National Business School came to Brussels to present the impeccable results of the organization which he has headed for six years: Last year, patent applications were up by 4.8% in relation to 2014. The European Patent Office, based in Munich since 1973, cashes in on 1.5 billion Euros per year when it comes to registering patents. Its biggest clients are in the United States (27% of the applications), Germany (17%), and Japan (13%), but China is gaining ground with 22% more applications than in 2014.

*“This is a reflection of the internationalisation of its companies and a sign of how swiftly it is catching up”,* was Benoît Battistelli’s response.

Last year the Chinese Huawei Group came in fourth position after the Dutch Philips and two Korean companies (Samsung and LG), and ahead of Germany’s Siemens. *“Europe remains an attractive market for technologies”,* as the President also notes. In other words, business is booming.

## **But in Munich, enough is enough!**

But relations between the President and his personnel have never been very good. The Frenchman is accused of nepotism, having brought in as his chief executive a former colleague from the INPI, the National Institute for Intellectual Property, and whose wife has been appointed as director of human resources. The unrest within this organization of 7,000 people is no longer confined to gossip around the coffee machine. The facts are hard and

plain: Burn-outs, suicides at the workplace, a whole range of contentious disciplinary procedures against staff representatives, and so on.

In January, following the departure of two union executives, thousands of EPO staff members left their offices to gather in front of the French consulate to demand the departure of the “Frenchman”. *“It’s getting worse and worse”*, says Pierre-Yves Le Borgn', French Socialist Deputy for French Citizens Abroad, who for more than two years has been monitoring the happenings at the EPO, and who, at the end of December, had an interview with Emmanuel Macron, the Minister of the Economy. In Paris he is said to have been given assurance that *“no-one wants to wait for a fifth suicide to happen”* before taking action. At Bercy, on the other hand, the response was *“no comment”*. A union source told La Tribune on Thursday that there were not four but five suicides in which there appeared to be a link between work and the lead-up to the act, and emphasised that the personnel, consisting essentially of engineers and legal experts, were subjected to “paradoxical constraints” between an intellectually highly demanding form of work and the pressures of performance.

In Germany, as in the Netherlands, where the Office employs 2700 people at the Rijswijk site near The Hague, President Battistelli has regularly featured in one or another of the media. On 2 March Bavarian television broadcast a documentary about the “nightmare” of one of the suicides in Munich.

“The suicides are personal tragedies. It is very difficult to give a reason for such a decision”, the President of the Office commented on Thursday. According to the Dutch daily *De Telegraaf* of 26 February, Benoît Battistelli is said to have demanded a golden handshake to speed up his departure (his term of office was renewed in 2015) of ...18 millions Euros, which would correspond to ten years of service.

*“We don’t comment on rumours”*, was the response on Wednesday by *La Tribune*, the mouthpiece of the EPO, which is one of the ever shrinking group of organizations which does not publish details of the salaries of its executives... Replying to a question from La Tribune, the President indicated that his annual salary, which is not officially published, was “300,000 Euros” annually. The rumours of his departure and the golden handshake, published by *De Telegraaf*, were “totally unfounded”, he maintained. These 18 million would correspond to the bonus distributed in 2015 to part of the personnel on the basis of performance indicators. “This is a political campaign”, and “calumny” says President Battistelli, who, incidentally was elected onto the municipal council of Saint-Germain en Laye on a list close to the Republicans.

For Pierre-Yves Le Borgn', the social crisis is only a reflection of the crisis in management. The rule of “one country, one vote” prevails on the governing body, the Administrative Council. *“With that principle, you can create silence”* by lumping together coalitions of small countries, the Deputy explains. He goes on: *“It would be a welcome step if the Member States were to take the matter in hand”* by attending a ministerial conference, which has not happened for fifteen years, he says. One country, one vote: “It is the basic rule for international organizations”, replies the President of the EPO. “If the Member States want to change it, I have no objection... but I wish them good luck”. The EPO, which has 38 Member States, is not actually an institution of the European Union, where the influence of the states is weighted according to their size. The situation remains that, as from 2017, it is supposed to deliver the “Unitary Patent”, an industrial and intellectual property instrument created by the European legislature.

The next meeting of the Administrative Council is scheduled for 16 March, and promises to be a stormy event. The revolt has spread from the departments within the Office and is gaining ground among the representatives of the 38 Member States of the organization. In a recent letter to his associate members of the European Union, the Director General of the Patent Office, Jesper Kongstad, a Dane, gave notice of the lodging of a motion demanding an independent audit of the organization, and the suspension of the contentious disciplinary proceedings being taken against the staff representatives. The EPO management has given assurance that the wording of the document which will be submitted to the Council will be “*considerably softened*”. The President has already announced the convening of a “social conference” in the autumn and the issue of an invitation to tender for the recruitment of an “independent expert” whose task will be to come up with answers about the social situation. On 4 March he is scheduled to meet Martijn Van Dam at The Hague. The Dutch Secretary of State for Economic Affairs has been briefed about the social situation at the Rijswijk site. “The Netherlands are one of the countries which benefits most from the activity of the EPO, both as an employer as well as by way of the number of patents registered by its companies”, was the President’s rejoinder on Thursday. The Netherlands are the fifth country in the organization in terms of patents registered, and Philips hold the lead among the companies involved. Watch this space.