



**Union
Syndicale
Fédérale**

des services publics européens et internationaux

Avenue des Gaulois, 36 – 1040 Brussels – Belgium

☎ +32.(2)733.98.00 – 📠 +32.(2)733.05.33

✉ usf@unionsyndicale.eu – 🌐 www.unionsyndicale.eu

Brussels
20 March 2023

To: the Chair of the Administrative Council of the European Patent Organisation, Mr Josef Kratochvil

Copy:

European Public Service Unions (EPSU) J.W. Goudriaan

EU Commissioner Thierry Breton (Internal Market)

EPO President Antonio Campinos

Dear Chair of the Administrative Council of the European Patent Organisation,
dear Mr Josef Kratochvil,

In October 2022, the Staff Union of the EPO (SUEPO) addressed an open letter to the Administrative Council of the EPO expressing the view that a Conference of the Ministers of the Contracting States provided by Art.4a of the European Patent Convention (EPC) is overdue. There has been no response so far.

USF wishes to support the claim of the Staff Union members working at the European Patent Office for the following reasons.

Union Syndicale Fédérale (USF) is the largest federation of workers employed by European or international public services. USF is an affiliate of EPSU and fully supports all initiatives of EPSU aiming at the highest quality standards of public services. These standards are meant both related to internal social issues and provide the best service to the (European) public at large.

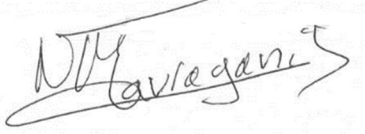
Years after an unprecedented low in social matters at the EPO under the former President Battistelli, the jurisdiction competent for the EPO, the ILOAT (Geneva), recently issued landmark judgments (ILOAT 4430 to 4435, 4482, 4550, 4551). With those judgments, the ILOAT saw the obligation of redressing a number of fundamental rights breaches at the EPO such as limitations to the right to strike, to organise freely staff committee elections or communicate with electronic means. The EPO is slow in enacting the ILOAT judgments on unlawful EPO decisions and regulations.

Further, the perhaps excessive focus on financial issues at the EPO currently triggers an external public discussion on the questionable reduction of staffing levels in the EPO's core tasks (see for example the attached report on the „IPQC“, International Patent Quality Charter Group). A weakening of the various organs defined under the EPC is also being reported, entailing doubts on the independence or quality of EPO actions and the adherence to the true mission and task set by the Contracting States.

The imminent launch of the Unitary Patent and Court system and the 50th anniversary of the EPC are further circumstances that call for some attention at the highest political level.

In the light of the considerations above, USF joins the SUEPO (Staff Union of the EPO) claim to convene a Conference of the Ministers of the Contracting States under Art.4a of the EPC.

Yours sincerely,

A handwritten signature in black ink, reading "N. MAVRAGANIS", with a stylized flourish at the end.

Nicolas MAVRAGANIS
USF President

Attachments :

- the SUEPO Open Letter to the Administrative Council of the EPO of 21st October 2022
- On IPQC: <https://www.juve-patent.com/legal-commentary/epo-and-ipqc-reach-impasse-in-patent-quality-discussion/>