

## EUROPEAN PATENT OFFICE

### **It's all falling apart**

With two union members being thrown out, the President of the European Patent Office is again coming under fire. And this time some of the opposition is from the Administrative Council.

**By Thomas Magenheim-Hörmann**

**Munich** – The European Patent Office (EPO) is coming in for criticism for more than just its practice of issuing patents for plants and animals (see box). For two years the management and staff have been locked in bitter conflict, not about money but about basic rights and labour rights issues. And now the President of the Office, Frenchman Benoît Battistelli, by his decision to dismiss two leading staff union executives without notice, has sparked off a new wave of protests. As well as this, for the first time the EPO Administrative Council, the supervisory body of the trans-national authority, has perceptibly recoiled from Battistelli's plans for reform. True, there have been no actual calls for his resignation, "but there is clear criticism of the situation in connection with the management of the Office", is the word from sources close to the Council.

The representatives of Germany and a number of other states on the Council are said to have set things in motion. In the first instance, this is not an issue of easing the situation at the Office. The Chief Executive of the Office in-house staff union, Suepo, Elisabeth Hardon, together with another Suepo executive, have just been dismissed without notice, while the Suepo Treasurer has been downgraded within the Office, and served with a three-year ban on promotion.

The Office, which is not an EU organization, and is not subject to German labour law, is maintaining that the trio of employees have been involved in bullying, discrediting the management of the Office, disclosing confidential information, and providing other employees with improper legal assistance. The people concerned have been fighting back by way of their lawyers, with the statutes of the Office preventing them from making any public statements on their own.

It is true that two of the three unionists have already been fired, but there remains the possible sanction of having their pensions cut, which in the case of Hardon has already been reduced by a fifth. Her attorney is demanding an independent investigation of the accusations laid against his client, all of which are being strenuously denied.

The around 4000 employees at the EPO head office in Munich are in an uproar. Yesterday there was another demonstration on the street, following a spontaneous protest march a few days ago in reaction to the dismissal of their union representatives. "The union has been decapitated", says one Suepo representative, who did not dare to give his name. Disciplinary proceedings are also said to be in hand against a number of union members at the EPO locations at The Hague and Vienna, which has been confirmed by sources close to Battistelli. "Everyone is shocked", says one employee about the mood in the Office. "It's all falling apart", says another, who up to now has defended Battistelli's actions.

And for the first time, the President may be feeling some resistance from the Administrative Council. During a recent internal discussion, two of the Frenchman's reform steps were rejected, and the plug pulled on some of his actions. The Council is now drawing up guidelines from which Battistelli must take his cue in future. As well as this, an independent social study has been commissioned, which is aimed at giving the Council a view of the conditions at the Office without the rose-tinted spectacles. The members of this supervisory body are said to be becoming concerned about the increasing deterioration of the social climate within the Office, according to a communique from the Council. All the parties concerned must be prepared at last to reach some compromises and put an end to the situation which is damaging to the Office as well as to its public image.

The Council had already called on the management to conduct recognition discussions with Suepo, to which the management responded by throwing out leading union executives and initiating a range of disciplinary measures against Suepo members. Battistelli recently declared that Suepo is not a staff representative body, but more a Mafia-like conspiracy. Now he is starting to encounter mistrust, and from the Administrative Council too. Staff representatives and Suepo have nothing good to say about their boss.

More protests are planned, in a trail of staff protests leading to the office of the Bavarian State Chancellor and beyond. Hardon is not really through with Battistelli either. She is aiming to carry on as an external union leader, simply because there is no-one within the Office who dares to take her place.

The EPO Administrative Council meets again in March. And it is starting to look as if Battistelli can no longer rely on them as a body, which up to now has backed him all the way.

#### **Melon patent revoked.**

The European Patent Office has revoked a patent relating to a conventionally cultivated melon. The Opposition Division based its decision on Wednesday, after several hours of debate, on insufficient practicability. The company which had applied for the patent had apparently not described with sufficient precision as to how the melons could be cultivated, according to EPO spokesman Rainer Osterwalder. The conventionally grown plants are resistant to a specific virus. The EPO issued the patent in 2011. A competitor and a number of environmentalist organizations had lodged the appeal.