

Comment: Warning Shot for EPO President Battistelli

Benoît Battistelli, President of the European Patent Office, has gone too far. Trying to combine the structural reform of the Boards of Appeal with the questions of location and performance-related payment for judges was not a good move. Both issues have stirred up anxiety among members of the Boards of Appeal. And the fact that the Administrative Council of the Patent Office let the President have his way was a mistake too. But now the representatives of the Member States have backtracked. At long last, the Council is taking on its responsibility of setting the course with regard to the Boards of Appeal reforms.

The decision to have a sub-committee lay down new guidelines, and not Battistelli himself, is a sign of things to come. The perpetual turmoil surrounding the Office and its President has seriously damaged the reputation of the patent authority, and there are clear indications now that the once unrestrained support for the President shown by the Council is starting to dwindle, and a number of influential delegations are even voicing concerns about the future of the Office. But that does not mean that Battistelli himself is wavering. The basic features of his reform proposals are still being maintained, and he is still involved with the specific pursuit of the reforms; but decisions about the guidelines are now in other hands.

Battistelli needs to take a lesson from the move made by the Advisory Council with regard to the structural reform. The 38 Member States mean business with the demand that social peace be restored within the Office. The public rift between some sections of the staff and the management is creating a split in the Office. When it comes to the thorny questions of the location of the court branch and performance-related emoluments for the judges, Battistelli needs to backpedal. He has underestimated the unnecessary unease among the members of the Boards of Appeal, and it is now essential for the President, at long last, to approach the matter of social dialogue with a focus on consensus. A first step would be independent disciplinary proceedings against the member of the Board of Appeal who was suspended by the President. (Christina Schulze)