



[900 of the 2,700 employees at the Patent Office in Rijswijk demonstrated against the management at the end of last month in The Hague.](#) © Freek van den Bergh

## Member states turn against 'tyrannical' president of European Patent Office

The controversial president of the European Patent Organisation Benoît Battistelli's days appear to be numbered. Employees have been complaining for a long time that Battistelli is behaving like a tyrant and sun king. But now the member states are turning against the Frenchman for the first time.

By: Anneke Stoffelen 25 February 2016, 06:00

The European Patent Organisation (EPOrg) grants patents for all conceivable inventions, from thermos flasks to computer chips. One of the five offices is in Rijswijk, where 2,700 people work. The 38 participating countries function as clients and regulators for the EPOrg.

Until now they were still supporting the regime of president Battistelli, appointed in 2010. This is very controversial among the staff, as he has deteriorated all kinds of working conditions off his own bat and instituted severe reprisals against union representatives who express criticism. Two union leaders have now been dismissed at the head office in Munich. In Rijswijk, two union representatives are off sick, after being subjected to what they described as intimidating integrity investigations. Last month, colleagues set up a sick-leave fund to provide one of them with an income, since the management has suspended his salary.



© EPA

The EPOrg management claims it is pure coincidence that the employees who have been punished are all unionists. Until now the member states have allowed Battistelli to get on with it. Now they have reached the end of their tether, according to a letter by Jesper Kongstad, the Danish chair of the Administrative Council, a kind of supervisory board in which the 38 participating EPOrg countries are represented.

Kongstad calls on Battistelli to organise an investigation into all the disciplinary measures taken against members of the union by an independent external committee. The dismissals and other punitive measures must be suspended until the result of this investigation is announced.

'Unfortunately we were not able to conduct any kind of meaningful dialogue with the president,' writes Kongstad in his letter. Battistelli immediately rejected the investigation proposal and questioned the legal basis for this. 'There is no legal obstacle preventing the Council from making a request to the EPOrg president,' writes Kongstad, however. 'It is then up to the president to respond positively to such a request.'

Kongstad's turnaround is notable, as he was viewed as one of Battistelli's 'friends'. According to the union Suepo, their personal connection is one of the reasons that the conflicts within the organisation were able to continue for so long.

## **Healthy organisation**

### **Read also**

Five suicides in three years, employees collapsing: staff at the European Patent Organisation are fed up with the tyrannical management - 'They have no compassion' - and are taking to the streets. [Read the report here.](#) (+)

At the next meeting of the Administrative Council on 16 March, representatives of the 38 participating countries will officially vote on Kongstad's proposals. Battistelli is now lobbying the member states to persuade them to abandon the independent investigation. According to a letter by Battistelli, his organisation is 'healthier than ever'.

It is not very likely that the regulatory countries will vote against the proposals of their own chair, Kongstad. So Battistelli is left with two options: resign or allow his controversial measures to be investigated by an independent committee after all. 'It's not so much a question of whether Battistelli will leave, but how many millions he will take with him,' concludes the lawyer for the union Suepo, Liesbeth Zegveld.

Last year she achieved success at the Court of Justice in The Hague, which concluded that the EPOrg was violating human rights by obstructing the work of the union. A remarkable ruling, as the EPOrg has legal immunity as an international organisation. However, the court ruled that in this case human rights outweighed the legal immunity. The EPOrg nevertheless ignored the ruling and was supported in this by the Dutch government. The case is currently at the Supreme Court.