

Private war between patent office president and union not over yet

industrial dispute Trouble at the European Patent Office again. President Battistelli's ruthless character is a concern for the member states.

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At the start of this year, it seemed as if *President Battistelli of the EPO* would step down.
Photo Andreas Terlaak

The war between President Benoît Battistelli of the European Patent Office (EPO) and his union continues. While the Frenchman crowns the inventor of the year in Lisbon on Thursday, his staff in The Hague will be holding a protest march past the embassies of European member states. “Our management are bullying and intimidating union and works council members in a way that would be unacceptable in your country,” they wrote to the ambassadors.

The patent office (38 member states, 7,000 employees) is the largest intergovernmental organisation in Europe, after the European Commission. The office reviews patent applications and grants European patents. In addition to the head office in Munich, there is also a branch in Rijswijk, among other locations.

At the beginning of this year, the tensions at the office were so high that it seemed for a time as if Battistelli (65) would step down. The highest body at the office, the Administrative Council, which represents the 38 member states, adopted a resolution forcing Battistelli to make significant concessions to the SUEPO trade union.

The intervention followed the dismissal of two trade union leaders, Els Hardon from the Netherlands, chair of the trade union in Munich, and her German predecessor Ion Brumme. Treasurer Malika Weaver had her salary docked. The official accusations are conspiring against Battistelli and bullying out a member of the works council who was pro-Battistelli.

Guilty of misconduct

But the president has not yet finished with the union, which represents half the employees. The office's own 'investigation unit' recently investigated trade union secretary Laurent Prunier, who is too stressed to work and has been on unpaid leave for the past five months. Last week the final report was delivered to his home. Conclusion: guilty of 'misconduct' that undermines Battistelli's leadership.

"Either you did not understand the resolution of the member states or you are ignoring it from the start," wrote Prunier's lawyer Liesbeth Zegveld last week, in a letter to Battistelli and all member states. After all, the president was called on to suspend all ongoing procedures against trade union members. He must first review the 'disciplinary procedures' and ensure that these are fair and are also *seen* as such by the outside world.

The point is that, as an international organisation, the patent office does not fall under national labour laws. We are immune and our regulations can therefore not be viewed through Dutch eyes, says Battistelli. In defiance of the Court of Justice in The Hague, he refuses to recognise the SUEPO union. Employees with an industrial dispute must approach the International Labour Organization, a slow UN body in Geneva. The office in Rijswijk uses a Belgian company doctor who is not registered as a doctor in the Netherlands.

The union is also critical of the fact that the office has its own investigation unit, which interrogates employees without a lawyer. An independent investigation has meanwhile confirmed that the "integrity" and "ethical behaviour" of the unit could be improved. A "much clearer" definition of misconduct needs to be drawn up, according to a report in May. The office must explain clearly how email traffic and computers are searched. And most importantly: the unit must operate independently of the president.

The investigation unit interrogates employees without a lawyer present.

The Prunier matter may be a sensitive subject when the Administrative Council meets again at the end of this month. Important member states, such as the Netherlands, Germany, France, Sweden and Switzerland, are highly critical of Battistelli, according to sources. The negative publicity around the conflicts is damaging the reputation of the office, which has outstanding patent examiners. The incidents are embarrassing to host countries such as the Netherlands, because intervention is almost impossible.

In substantive terms, there are also critical member states that agree with Battistelli. They support the reforms he has carried out, such as investment in IT and bonuses for performance instead of seniority. The member states' concerns are mainly about Battistelli's ruthless,

irascible character. He seems to be waging a private war against a union that is as combative as the president himself. The conflict is impeding business operations, including the reform of the pension system.

As the president of the EPO has a lot of power, there is little the 38 member states can do. There is no impeachment procedure in the regulations, regardless of whether a majority can be persuaded. The more time passes, the closer Battistelli comes to the end of his term. This could mean two long years of conflicts, legal cases and bad publicity.

The patent office does not comment on individual cases, a spokesperson says. The office says that the Administrative Council is regularly informed on the reforms with regard to investigations and punitive measures.