

Trade union wants Battistelli's immunity removed

EUROPEAN PATENT OFFICE trade union SUEPO has issued a summons against the patent office. The union is calling on the member states to take action against Battistelli.

- Eppo König

29 June 2016

The immunity of President Benoît Battistelli of the European Patent Office must be lifted. This call was made by trade union SUEPO on Tuesday to the 38 member states of the office, through lawyer Liesbeth Zegveld.

The call was prompted by further escalation of the industrial dispute between the union and Frenchman Battistelli. The union, which represents half the 7000 employees, has now brought the patent office to court because of sanctions against trade union officials.

The office grants European patents and has branches in Germany, Austria, the Netherlands and Belgium. As an international organisation, the patent office says it is not bound by national labour laws and enjoys immunity. The Court of Justice in The Hague did not agree, but Battistelli ignored the ruling. The case has now been brought before the Supreme Court.

The management crisis will be central when the Administrative Council, the highest body with representatives from the 38 member countries, meets in Munich on Wednesday and Thursday. The patent office does not wish to speculate on the agenda of the management board, says a spokesman.

In March, the council instructed Battistelli to normalise the relationship with the council. Instead of this, the secretary of SUEPO, Laurent Prunier, was recently suspended for alleged misconduct. There are ‘disciplinary investigations’ into seven union leaders, around a third of the total, says lawyer Zegveld. The procedures could result in dismissal or reduction of the salary or pension.

The union brought a preliminary injunction at the Court of Justice in The Hague, for an independent ruling on the disciplinary investigations. The patent office allowed the officer delivering the summons to leave the site with five guards. They also would not tell him where the post box was.

A number of important member states, such as Germany, France and Switzerland are very critical of Battistelli. He recently increased the irritation by applying personal pressure in dismissal proceedings against an Irish patent judge. Battistelli demanded in a letter that the judge should not be given a public hearing by a board of appeal. The commission stated that its independence was being brought into question and did not accept the dismissal.

The office does not comment on individual cases, according to the spokesperson.