

Crisis in the open at the European Patent Office

LE MONDE | 11.10.2016 at 11.17 • Update at 11.10.2016 at 11.24 | By Emeline Cazi ([journaliste/emeline-cazi/](#))

In the discreet and urbane world of international organizations, demonstrations are a real rarity. But those scheduled for Tuesday, 11 October, in Munich, and Thursday 13 October in The Hague, by examiners at the European Patent Office (EPO) are simply the latest in a long line which started as far back as 2013. The staff have found this to be the only way to draw the attention of the 38 countries which are meeting on 12 and 13 October as the Administrative Council to a social situation which has been festering for more than three years.

Money is not an issue. One does not talk about vulgar things such as salaries at the “Office”. At a starting rate of more than 5 000 Euros, added to which are the expatriate allowance, schools for children paid for, and a range of other advantages as well, the staff know they are well off in that respect. To attract scientific expertise from all over the world, the Office has had to aim at making its employees the best paid in Europe. But money isn't everything.

The EPO is one of those international organizations of which there are only a small handful in the world, with its own rules and regulations. This one, with headquarters in Munich and outposts in Berlin, The Hague and Vienna, employs 7,000 people to examine the applications by inventors and to issue in three languages the precious patents, a monopoly which it has held for forty years.

In July 2010, Frenchman Benoît Battistelli took up the reins. It was shortly after the arrival of this former Director General of the Institut national de la propriété industrielle (National Industrial Property Institute - INPI) that working conditions started to deteriorate, according to Suepo, the in-house trade union. The man, who has a very individualistic concept of what the right to strike means, who has imposed productivity criteria, and who has created an “investigation unit” to monitor the staff, has become the man they love to hate. And the feeling is obviously mutual.

The Office enjoys a kind of legal immunity

Things have come a long way for this community of technical experts – those who were top of the class are the ones who come knocking at the door of the EPO do so not so much to make a career but rather because they appreciate the togetherness of ten nationalities and the peace and quiet of the job – to start regarding their gilded cage as hell.

In the past five years, four of them have done themselves to death. A Belgian, a father with a family, threw himself out of his office window in The Hague. Another committed suicide on the last day of his holiday. After each of these dramas, the union demanded an independent enquiry. The management would not hear of it, insisting that these events had nothing to do with the work. For the unions, that was the last straw.

The problem is that, like all international organizations (the OECD, the European Space Agency, and others), the EPO enjoys a form of legal immunity: no national law can be imposed on it. Only the internal rules and regulations apply.

“It's a problem with all these organizations. If things are going right, then everything's fine. But the slightest grain of grit, and there's nothing you can do about it”, says Parliamentary Deputy Philip Cordery, one of the representatives of French citizens abroad, who has been drawing the attention of successive governments and ministers of industry to the situation at the EPO.

“Three years ago something snapped”

There was a time when it was great working at the Office. Conditions were so pleasant that people were even postponing their retirement. Andreas, a biologist trainer, had envisaged going on until he was 63. He “*threw in the towel*” earlier, “*like a lot of people recently*”.

With a handful of others, he was prepared to confide in *Le Monde*, on the condition that his anonymity was protected, and that the meeting place was far away from The Hague. “*You understand, if anyone found out that I'd been talking Even in retirement, I have to be careful about what I say.*” He did not want to suffer the same fate as one of his colleagues, whose pension was slashed by 30%.

“Three years ago something snapped”, he says. “The work was still interesting, but the working environment became intolerable.” The autocratic and tactless methods adopted by the new President did not fit. As far as this particular technical expert is concerned, imposing production criteria on an organization with plenty to spare, with an annual budget of 2 billion, and of which the patents are reputed to be almost immune from attack in terms of law, is simply nonsensical.

By tradition, and because an examiner only becomes operational at the end of a three-year period, the old hands support the newcomers. *“In that respect, I’ve seen colleagues refuse to help new arrivals for fear of losing time, and on the pretext that it won’t do anything for them, now that we’re being evaluated on reaching our targets...”*

It was precisely to reject this policy of numbers that Sylvia agreed to talk.

“The management is not only destroying the working conditions, but also the European economic system. The patents which we issue are not so good. And a fall in quality will have consequences for industry”, she says despondently. “There’s money at stake.”

Since the union Suepo started criticising the climate of fear and tension in which the staff are working, a number of its representatives have been targeted for disciplinary procedures. France, Germany, and Great Britain have taken some action, and in March demanded that the Administrative Council suspend any proceedings until such time as an independent social audit has been carried out. At the end of September the audit had still not been undertaken, but the General Secretary of Suepo at The Hague was called before a disciplinary committee. Two other staff members are involved.

“Far from any common ground”

The staff representatives are calling it harassment of the union. The management see no connection:

“These proceedings are the result of a complaint about bullying, defamation, and threats, which have incurred the resignation of a staff representative” is their response. Ms. Amélie Lefebvre, from the law firm of Bourdon, and legal advisor to Suepo, deplores the fact that *“Mr. Battistelli, who does not feel himself bound by his own Administrative Council or by national laws, is taking refuge behind his functional immunity to take such brutal measures of repression against those who call his social policy into question”*.

“If, after two years, sanctions like this are being taken against the staff representatives, then we’re far from any common ground”, is the way Deputy Philip Cordery sees it. On 13 October he will be marching side by side with the staff.