

## **Industry Questionnaire on the European Patent Office: Majority want Office boss Battistelli to quit**

**In-fighting, power struggles, structural reform: The European Patent Office (EPO) in Munich has had a turbulent year. A JUVE survey among global-scale technology companies has revealed serious concerns about the conditions in the Office. They are worried about the conflict between the management and the staff union Suepo, which is now threatening the outside world. And a small majority are even calling for EPO President Benoît Battistelli to quit.**

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Benoît Battistelli

87 percent are of the opinion that the EPO President is not doing a good job. The main reason is the fierce conflict between Battistelli and parts of the workforce. The dispute with the main staff union is causing alarm among industrialists, with 79 percent of the companies asked being seriously worried.

They see the responsibility for the misery resting largely on Battistelli. A massive majority of 96 percent say that the EPO President should be less confrontational in his dealings with the unions. The President's efficiency strategy is hardly more popular: 71 percent of the companies see no sense in it, 4 percent are in favour, and the remainder withhold their judgement.

### **Only a minor reform**

The structural reform of the EPO Court, which Battistelli and the Administrative Council have decided on is also an issue with the industrialists. The reform is aimed at the Boards of Appeal of the Office being split up and being able to act more independently. Not even a third of those asked were happy with this idea. 83 percent even wanted the Office court to be done away with completely, with 96 percent demanding that Battistelli should stop meddling in the concerns of the EPO court.

But this demand comes too late. The Administrative Council and the Office management are already putting the reform into effect. The decision about the first President of the Boards of Appeal was already decided on back in December: The Swede Carl Josefsson. Battistelli is obliged to assign him the powers needed by April this year, but even then Josefsson will remain dependent on the EPO President in matters of the budget and his re-appointment.

### **Calls to quit**

The industrialists are hardly holding back when it comes to Battistelli. A small majority of 54 percent of the in-house representatives are even demanding that he should go. On the other hand, just on 40 percent are withholding their judgement. 8 percent believe Battistelli should stay. The Frenchman has repeatedly seen as being a spent force, but keeps bouncing back, and the strong backing he gets from the Administrative Council remains unchanged.

As well as that, Battistelli can also count on the fact that the criticism will have hardly any consequences on the patent application strategies of the companies. The corporate world gives the thumbs-up to the EPO itself, and its staff. Two-thirds of those asked are of the view that the EPO as a public authority is working. For 92 percent, the EPO and its European Patent continues to play a fundamental part in global patent application strategy.

On the other hand, industrialists are becoming increasingly concerned about possible quality problems as a consequence of internal squabbles, which have already beset the Office in Munich for several years. Only 46 percent of the survey participants are happy with the quality of the patent issue procedures, and 54 percent are not. And when it comes to the appeal process, a slight majority of 50.2 percent see problems with quality.

### **Suepo on the way out?**

In the meantime, the signs are that wherever possible Battistelli is swinging the conflict with the staff union Suepo in his favour. Three leading union members announced their resignation a few days ago, among them Elizabeth Hardon from Munich, who is seen as one of the President's main opponents.

Three union members, Hardon among them, had been suspended by Battistelli. They are embroiled in wearisome long drawn-out legal wranglings about the disciplinary procedures, with the threat at the end of their incomes and pensions being cut short. Another union member has been downgraded.

Sources close to the union were already saying early on that this tactic by the Office management could lead to Suepo not finding any successors, and the union may be on the way out.

On the other hand, this could lead to the unrest which is already widespread among parts of the workforce going on the boil again. In December the representatives of the 38 Member States of the EPO accordingly called on Battistelli as a matter of urgency to settle the conflicts with the union and the staff in the first half of 2017.

At the end of November 2016 the JUVE Editorial Board asked the managers of the patent departments of 168 international technology companies, among them German industrial corporations, middle-sized companies, and international technology giants. The companies represent all the important sectors of technology, and regularly file patents with the European Patent Office. All the results of the survey and a detailed analysis are available in the current [JUVE Rechtsmarkt](#) 2/2107. (Mathieu Klos)