

IPSO

International and European Public
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Office of the Federal Chancellor
Federal Chancellor
Angela Merkel
Federal Minister of Justice
Heiko Maas
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Rights of the Staff and Staff Representatives at the European Patent Office (EPO)

Dear Federal Chancellor,
Dear Minister,

As representatives of the "International and European Public Services Organisation" (IPSO), the staff union recognized by the European Central Bank (ECB) for ECB personnel, we are turning to you to express our extreme concern with regard to the developments at the EPO with its headquarters in Munich, and with regard to its management.

The EPO, with its core task of guaranteeing patent rights, does not itself appear to be in a position any longer to recognize and respect the perfectly valid rights of its staff and their duly appointed representatives.

There are many reports on the matter, in a wide range of media; as well as a [documentary \(http://www.br.de/br-fernsehen/sendungen/kontrovers/traumjob-albtraum-arbeit-belastung-story-100.html\)](http://www.br.de/br-fernsehen/sendungen/kontrovers/traumjob-albtraum-arbeit-belastung-story-100.html) by Bayerischer Rundfunk (BR) of 21 March 2016, there have been numerous articles in the national and international press (SZ, FAZ, die Welt, Le Monde, Mediapart, Libération, De Volkskrant, NRC, El Mundo etc.) as well as countless contributions in blogs by specialists in the field of copyright (**e.g.** IPkat, Juve, WIPR, 1AM). Prominent jurists, such as Prof. Dr. Siegfried Bross, have made strenuous appeals to the EPO to embark on a change of course.

Never before has the Management of the EPO been subjected to such a barrage of public criticism as under its current President, Mr. Benoît Battistelli. The reputation of the Office and of its host country have both likewise been tarnished by these events.

A good appreciation of the poisonous atmosphere at work was released by [Politico \(http://www.politico.eu/article/labor-relations-turn-toxic-in-the-european-patent-office/\)](http://www.politico.eu/article/labor-relations-turn-toxic-in-the-european-patent-office/) **in August 2015**; since then, the situation has become even worse. In January 2016 Mr. Battistelli dismissed two union representatives and elected staff representatives in Munich. A third was fired on 4 November 2016 at The Hague. In all three cases, it is entirely justifiable to speak of a "witch hunt" and Kafkaesque proceedings, with gross abuses of the most fundamental legal principles for the protection of staff representatives. At the present time two further union and staff representatives are in the firing line.

With the aim of de-escalation, in March 2016 the Administrative Council of the EPO approved a Resolution CA/26/16, in which Mr. Battistelli was called upon to review the existing rules and regulations with a view to achieving fair and equitable formulation and implementation. The Council urged Mr. Battistelli that until this had been achieved there should be no further investigations or disciplinary procedures initiated and pursued against members of staff and union representatives – an appeal which Mr. Battistelli has completely ignored.

For decades, Germany has been viewed as a fine example for the world with its well-functioning social model, a model which is based primarily on dialogue and negotiation, and specifically for the avoidance of inflammatory conflicts and power games. It is against this background that we call upon Germany, as an important EU Member State and host country for the EPO, at this time of direst crisis at the EPO since its creation, to take on a clear position in support and defence of the fundamental rights of the staff and their representatives. Sadly, it has been reported to us that the German representative on the Administrative Council of the EPO appears not only to have adopted a passive attitude, but actually to have repeatedly supported initiatives by Mr. Battistelli by providing further powers of authority, even though the existing rules have led to massive abuses on Mr. Battistelli's part.

We are sure to be of one voice in our conviction that management practices such as fear, isolation, and revenge have no place in a democratic society, and especially not in a European and international institution such as the EPO. All the more important, then, that authoritarian, indeed dictatorial, attitudes, which we are experiencing at the present time at the EPO and from Mr. Battistelli, should not serve as a negative example for other European and international organizations; organizations for which, due to their functional independence, it is often difficult for staff and their representatives to demand their rights and to lay their grievances before the courts.

Mr. Battistelli's term of office as President of the EPO still runs until 30 June 2018, provided that no successor has been found by then. Our concern is that Mr. Battistelli will leave no stone unturned in seeking to extend his period in office by means of political intrigues. Europe cannot afford such a scenario, particularly not in the current political situation. We therefore cannot stand idly by until Mr. Battistelli voluntarily takes his leave.

Please let us know what measures Germany has taken, and will be taking, to restore the rule of law, including the respecting of the rights of staff and staff representatives at the EPO, a European and international organization of which the Federal Republic of Germany is not only an important member, but also a host country.

With best regards

Johannes Priesemann

Carlos Bewies

Jörn Paulini

International and European Public Services Organisation

cc: USF, SUEPO