

Wanted: *European Patent Office* boss with social skills

By Thomas Magenheim, 31 July 2017 - 15:03

The mood at the European Patent Office is bad. The successor to the President in office, Benoit Battistelli must be one thing above all else: Someone who can approach the staff – and come to terms with them.



Frenchman Benoit Battistelli stays at the top of the European Patent Office until the middle of next year. Photo: dpa

Munich – Job offers like these do not normally appear in newspapers. The [European Patent Office in Munich](#) is looking for a new President to succeed [controversial Frenchman Benoit Battistelli](#), whose contract runs out in mid-2018. Applications can be made to the Administrative Council, as the highest supervisory body at the Office, until 14 September. The hunt for a new leader at the authority is on - by way of adverts in leading European newspapers and journals, with rather striking wording for the job description. It casts a spotlight on the conditions that have come about under Battistelli's autocratic reign in office. The new President must come with a marked ability to enter into and maintain a social dialogue, cited as one of the main criteria for the appointment. Other decisive requirements are negotiating skills and a talent for communication and public relations. Also of advantage would be some practical experience in patent affairs. But that requirement actually seems to take something of a back seat in comparison with those referred to first.



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Wanted above all: A peacemaker

The way things look, what the supreme protector of intellectual property in Europe needs above all is a peacemaker, who can restore calm to the Office. And this international authority, with headquarters in Munich, really could use someone like that. Battistelli is not exactly known for his peaceful approach. The Frenchman, now 67, was appointed as head of the Patent Office in March 2010, and since then there have been moments when it looked far from certain that he would last until the end of his time in office. The specialist Website for jurists, Juve, recently conducted a survey among 168 international technology concerns and major patent applicants involved with the European Patent Office, and the result was hardly flattering for Battistelli. More than half of the big Patent Office clients wanted the Frenchman to resign. Large sections of the workforce and the in-house union Suepo, which he has forced to its knees, have been pushing for this for years. Among other things, the 67-year-old has fired three leading union members and a patent judge, under questionable circumstances, as well as having staff monitored by using spyware. Staff members have even been prohibited from holding a demonstration.

A former judge at the Federal Constitutional Court has found Battistelli's behaviour illegal, as too did a Dutch court, but Battistelli ignored them both, citing the independence of his Office. Fear of being thrown out means that now no-one dares speak up on behalf of the staff any longer. The same applies to being ready to undertake union organization. Anyone who wishes to communicate with the in-house union Suepo must do so through a lawyer. A new Office boss with social skills is urgently needed.

Christoph Ernst from the Federal Ministry of Justice is new Administrative Council leader

One indicator that a peacemaker is being sought is also the choice of the new leader of the Administrative Council. This position has just been awarded to Christoph Ernst, jurist and head of a ministerial department at the Federal Ministry of Justice. Ernst is regarded as a moderate Battistelli critic and intimately familiar with the situation within the Office. It will be October when he takes over from the still serving leader of the Council, Jesper Kongstad, who is seen as a close Battistelli confidante. It seems then that the course is already set for a new management style in the organizational body which selects the new Patent Office President.

When the administrative councils of the 38 European Member States meet in October, they want to be able to produce a list of candidates. By December, the new Office boss should then also be chosen. But this will not be easy, because it needs a three-quarters majority. Moreover, the Council itself has recently not really been unified when it comes to management style. Until recently a majority backed Battistelli, and every country, regardless of how large or important, has only one vote. The Battistelli appointment took a total of 30 rounds of voting, as some of those involved remember.

Antonio Campinos from Portugal has a good chance of being Battistelli's successor

Being touted as a front runner is Antonio Campinos, if he casts his hat into the ring. The Portuguese is the executive in office of the European Union Intellectual Property Office in Alicante, and he knows what may be waiting for him. An annual salary of some 300 000 Euro could tip the scales, even if the job does not promise to be any easier. Among the staff, in any event, hopes are being nurtured of a more socially compatible management style, even if at present nobody dares say so out loud.