

European Patent Office

The new boss needs to be a peacemaker



Beleaguered but still boss of the European Patent Office in Munich: Benoît Battistelli.

Munich. The European Patent Office is looking for a President who can put the house back in order. The international authority needs this badly; while it is actually based in Munich, it is not subject to German labour laws.

By Thomas Magenheimer, 09.08.2017

Job adverts like these don't normally appear in newspapers. The European Patent Office in Munich is looking for a new President as a successor to the beleaguered and controversial Frenchman Benoît Battistelli, whose contract expires in mid-2018. Applications will be considered by the Administrative Council, as the highest supervisory authority of the Office, with immediate effect, and up until 14 September. The quest for a new leader is being conducted by way of advertisements in leading European newspapers and periodicals, and the wording of the job description is striking, casting an interesting sidelight on the situation in the Office which has come about under Battistelli's autocratic stewardship.

The new President must have a marked ability to take up and nurture a social dialogue, as one of the main criteria for the appointment. Other decisive prerequisites are negotiating skills and a talent for communication. Also of advantage would be practical experience in patent matters. This last requirement, however, does not sound nearly as important as those that precede it. It looks as if the supreme protectors of intellectual property in Europe are looking primarily for a peacemaker, who can restore peace and harmony to the Office once again.

And the international authority, based in Munich but not subject to German labour laws, really needs someone like this. Because Battistelli is not exactly departing in peace. The Frenchman, now 67, was appointed as head of the Office in March 2010, and since then there have been moments at which it looked decidedly doubtful as to whether he would reach the end of his term of office. The specialist jurist web site recently conducted a survey among 168 international technology concerns and major patent applicants to the European Patent Office, and the results were not exactly flattering for Battistelli. More than half of the big Patent Office customers voted for the Frenchman to go.

Choosing the new Administrative Council leader

Large sections of the staff and of the in-house union Suepo, which Battistelli has forced to its knees, have been wanting him to go too – for years. Among other things, the 67-year-old has fired three leading unionists and a patent judge, under questionable circumstances, as well as keeping an eye on employees by means of spyware. At one stage, staff members were also forbidden to hold a demonstration. A former judge at the Federal Constitutional Court has condemned Battistelli's

behaviour as illegal, as too did a Dutch court, but Battistelli ignored this by sheltering behind the independent status of his Office.

Fear of being thrown out means that no-one among the staff dares to speak out any longer. The same applies to the readiness to take on union organization. Anyone wishing to communicate with the in-house union Suepo must contact an attorney.

So a new boss for the Office with social skills is urgently needed. An indication that a peacemaker is being sought is also the new choice of the leader for the Administrative Council. Predestined for the job was Christoph Ernst, jurist and ministerial director at the Federal Ministry of Justice. Ernst is regarded as a moderate Battistelli critic and intimately aware of the conditions in the Office. He will be replacing the present officiating leader of the Council, Jesper Kongstad, who is seen as being closely associated with Battistelli.

Social contract management style – hopefully

To this extent, the course is already set for a new style of management in the organizational body which actually chooses the new Patent Office President. When the Administrative Councils of the 38 European Member States meet in October, they intend to produce a list of candidates, and the new boss of the Office should then be elected by December. It may well not be easy. On the one hand, it needs a two-thirds majority. On the other, when it comes to matters of management style the Council has really proved not to be united. Up to now, a majority have been on Battistelli's side, and every country, large or small, has only one vote.

When Battistelli was chosen, more than 30 voting procedures were needed, as those who were there remember well. The person with the best chance of being chosen this time around is rumoured to be Antonio Campinos, if he chooses to throw his hat into the ring. The Portuguese is the Executive Director of the European Union Intellectual Property Office in Alicante, and knows what he would be letting himself in for.

An annual salary of some 300 000 Euro could provide incentive, even if the job promises not to be an easy one. In any event, the staff are hoping for someone with a management style more sensitive to the social contract – even if at present no-one dares say so out loud.