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FREIE WÄHLER, the Free Voters, demand immediate reinstatement of suspended judge at European Patent Office

In the name of a state governed by law: Geneva judgment must be implemented immediately

Munich. The European Patent Office (EPO) in Munich is refusing to reinstate a judge of the Boards of Appeal who had been wrongfully suspended. The Office executive is continuing to refuse the judge access to his workplace, and is so preventing him from exercising his role as an independent judge. An action which contravenes two rulings by the chambers of last instance at the Administrative Tribunal of the International Labour Organisation (ILOAT) of 6 December 2017.

For the FREIE WÄHLER, the Free Voters in the Bavarian Regional Parliament, this action is intolerable. **Peter Meyer**, Vice-President of the Provincial Parliament and member of the Constitutional Committee, sees this as a serious infringement of the free and democratic constitutional system of Germany: **“The fact that the EPO executive is refusing to implement two indisputable judgments is simply beyond belief.** It is inherent in our democratic process and our status as a state governed by law that a judgment which has been promulgated is binding on the authority which is to implement it. This foundation stone is now being simply torn away by an international organization based in Munich.”

Gabi Schmidt, Member of the Regional Parliament and member of the Parliament's European Committee, has long been drawing attention to the intolerable situation of the staff at the EPO. **But with this new development a new dimension has been reached:** “Up to now, the EPO staff have still been able to count on the fact that decisions which are wrongful under labour law will be put right by the ILOAT in Geneva. Now it seems that not even recourse to law can help.”

The refusal to implement the judgment is particularly disturbing because it involves a member of the independent Boards of Appeal. For **Meyer**, this is going to have consequences for patent protection in Germany which still cannot be foreseen: **“If the arbitrary suspension of judges and the refusal to respect judgments which run contrary to this is allowed to hold sway in the European Patent Office, we can no longer speak of independent Boards of Appeal.** Germany has an obligation in this case, as a signatory to the European Patent Convention and as the host country of the European Patent Office, to press for the restoration of conditions which comply with the law. There is a favourable opportunity to do this now, since with Christoph Ernst a German now occupies the Chair of the Administrative Council. Ernst is a ministerial executive in the Federal Ministry of Justice.” Otherwise, **Meyer** says, the legal principles and values of the Basic Law are utterly called into question.

“We shall continue to fight in support of the demands of the staff, and strive to ensure that the EPO management can no longer hide behind their immunity as an international organization. **We shall be raising this scandalous performance as an issue next week in the Bavarian Regional Parliament**”, declares **Schmidt**.