

# **EPO staff petition Administrative Council to improve HR and patent quality**

*For weeks, some European Patent Office staff have been calling on management to reduce work pressure and improve quality in the granting of patents. Now it appears the dispute is escalating: via open letter, the Central Staff Committee has asked the Administrative Council to intervene.*

28 February 2024 by Mathieu Klos.

*The EPO Central Staff Committee has sent an open letter to the Administrative Council, raising further concerns on patent quality.*

Reducing production tasks and work pressure, and improving human resources management, are the main demands of the Central Staff Committee (CSC) to EPO management. The CSC is also increasingly siding with the industry initiative Intellectual Property Quality Charter (IPQC), which is calling on the EPO to improve the quality of European patent grants.

## **Four calls to action**

Last week, the CSC sent an open letter – as seen by the JUVE Patent editorial team – to the Administrative Council, calling on the EPO’s management to act. It asks the supervisory body, which brings together the EPO member states, to instruct the office’s management to enter a dialogue with staff and to ensure the implementation of measures adopted by some of the staff in a resolution a few weeks ago.

Furthermore, the employees call for four measures: increased recruitment, to “reinstate a robust and genuine quality management system”, and to refocus the office’s priorities on the “granting of legally sound patents that meet the requirements of the European Patent Convention”. Staff also advocate for a revision of the EPO’s Career and Performance System to encourage the granting of high-quality patents.

As one employee explains to JUVE Patent, “The career system is the decisive factor for more quality. Increasing pressure and more and more demands have led to a decline in the quality of work among EPO employees. The examiners, in particular, only pay attention to the completion of applications and can no longer take the time to check the novelty of the inventions.”

## **Broken dialogue**

In the open letter to the Administrative Council, the CSC accuses the EPO management of abusing the Career and Performance System to put pressure on EPO employees and to focus on quantity rather than quality when it comes to granted patents.

Furthermore, the employees allege that EPO management has closed the door to dialogue and denies any quality issues without justification.

Around 1,500 EPO employees from all locations discussed the resolution in three remote meetings at the end of January and beginning of February. Around 1,100 members voted in favour of the resolution, with 31 votes against and 66 abstentions. Over 300 of those present did not vote.

According to the EPO, it has 6,300 employees across its four locations in Munich, The Hague, Berlin and Vienna.

### **EPO management responds**

When contacted by JUVE Patent, the Administrative Council chairman, Josef Kratochvíl, has not yet commented on the CSC's open letter and resolution.

Furthermore, JUVE Patent received a rather general response from the EPO management when asked about the allegations. A spokesperson says, "The EPO does not publicly comment on internal documents. There are regular exchanges with the staff committee and with the Administrative Council members on priority topics such as quality."

It remains to be seen whether the open letter will be successful. In the past, most of the 39 member states have tended to be loyal to the administration. Criticism has mainly come from large countries such as Switzerland, Germany and some Scandinavian countries, which have patent offices that examine patent applications independently of the EPO.

### **Criticism continues**

With its resolution and open letter, the CSC openly expresses solidarity with the IPQC of Siemens and other industrial companies.

Since 2022, the IPQC has repeatedly addressed concerns about the declining quality of granted patents to the EPO's management. The industry initiative comprises 24 companies, including Deutsche Telekom, Bayer, Ericsson, MTU, Nokia, Qualcomm and Procter & Gamble. During the spring and summer of 2023, [IPQC members and the EPO management were in dialogue](#).

However, several insiders report that the management around president António Campinos broke off the talks. Many European patent attorney firms have also shared their concerns about declining patent quality, both in discussions with JUVE Patent and at conferences. For example, attendees at the recent [Pharma & Biotech Patent Litigation Summit in Amsterdam](#) addressed the issue.

### **Open to discussion?**

The EPO has not shared the IPQC's concerns in the past, repeatedly referring to its own studies proving good quality. The [EPO Patent Quality Charter](#) came into force in October 2022, replacing the previous quality policy published by the EPO in 2013.

It is an important component of the [Strategic Plan 2023](#), which the EPO launched in 2018 to achieve its objectives before the end of the five-year period.

However, when contacted by JUVE Patent, the EPO left open whether it now intends to continue the dialogue. Meanwhile, the IPQC has announced that it will continue to go public. In June, the industry initiative will hold its own conference in Munich.