

Exclusive: João Negrão in pole position after EUIPO leadership vote

Rory O'Neill June 06 2023



The management board will send three names to the Council of the EU for a final decision

João Negrão topped the vote at the EUIPO management board meeting held to nominate the executive director in Alicante this morning, June 6.

Negrão received 15 votes, compared to 10 for Etienne Sanz de Acedo and five for Andrea Di Carlo.

The management board will now send a list of the three candidates, along with the number of votes each got, to the Council of the EU for a final decision.

The council's pick will succeed incumbent Christian Archambeau when his term expires in September.

It is not yet known how long the council will take to issue its decision.

The vote is the latest turn in a dramatic leadership race that began when the management board voted not to renew Archambeau's term in November last year.

Sanz de Acedo, Negrão and Di Carlo emerged as the three candidates by the close of applications in January.

Negrão has served as president of the EUIPO Boards of Appeal since 2020, Sanz de Acedo as chief executive of INTA since 2010, and Di Carlo as deputy executive director of the EUIPO since 2018.

Archambeau saga

In a [speech](#) to staff shortly after the November vote, Archambeau claimed that the decision to remove him was an example of “ugly politics and power games”.

Some observers believed a reference to “Munich” in that speech was an implied criticism of the EPO.

The French government, which backed Sanz de Acedo, later wrote to António Campinos, president of the EPO, to complain over a gathering of intellectual property office heads in Lisbon late last month.

Bruno Le Maire, French finance minister, claimed the timing of the event could be seen as interference in the race.

In March, the EUIPO management board voted to [suspend](#) some of Archambeau's key administrative powers.

In an [exclusive interview](#) in April, Archambeau told Managing IP he had never been given any explanation for either the decision not to renew his term or to suspend his powers.

But Managing IP understands the November board meeting was marked by angry exchanges over the EUIPO's financial performance.

Representatives of smaller member states expressed frustration that the EUIPO wouldn't be able to deliver [offsetting payments](#) in 2024.

The offsetting mechanism was introduced to compensate member states for participation in the EU trademark system and is only triggered when the office generates a surplus.

In his interview with Managing IP, Archambeau defended the office’s financial performance on his watch.

Managing IP later revealed that the board voted not to renew his mandate despite a **positive appraisal** from its chair, Jorma Hanski.

The board also **delayed** sending an assessment of Archambeau’s performance to the council.

A committee of council representatives finally **ratified** the board’s decision last month.

EUIPO future

If confirmed by the council, Negrão will take the leadership of the EUIPO at a critical moment in its history.

The European Commission has proposed a **new law** that would give the EUIPO the power to set fair, reasonable, and non-discriminatory royalties for standard essential patents (SEPs).

SEP owners have **criticised** the decision to hand responsibility for SEPs to an agency that has no patent experience.

Archambeau had previously **advocated** for the EUIPO to take on new competencies.

A final version of the SEP regulation must still be approved by the European Parliament and the council.

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