

Ladies and Gentlemen,
Members the EPO Administrative Council
and Staff of the EPO,

As students of the "Arbeits- und Wirtschaftswissenschaftlichen Aufbaustudiums" (AWA) at the Technical University of Munich during the 1970s we followed the construction of the headquarters of the European Patent Office with respect and pride. This building was intended to be centre for the protection of intellectual property in Europe. Many of my colleagues subsequently became patent attorneys. Unfortunately, on the occasion of the 40th anniversary of the signature of the European Patent Convention, we are forced to conclude that our initial admiration no longer seems to be justified in view of the current composition of the senior management team of that institution.

It is our sincere belief that least one of the members of the senior management team does not properly belong there. That person is the former director of the Croatian Patent Office in Zagreb, Mr. Zeljko Topic. Unfortunately, it is common practice in Croatia that the leading positions in the state administration are reserved for people who have close links with the regime and connections to the mafia-like vested interest lobbies and it was in this manner that Mr. Topic, who comes from the provincial town of Banja Luka in Bosnia, began his career at the Patent Office in Zagreb.

Mrs. Vesna Stilin, a career civil servant, worked in the Croatian Patent Office since its inception in 1992 as Deputy Director General, later as an Assistant Director General until she was dismissed from her position in April 2008 by Mr. Zeljko Topic who at that time had risen to occupy the position of Director General of the Patent Office, again. At that time Mrs. Stilin had been on regular annual leave. Upon returning from vacation, she discovered that her office had been cleared so that she could not resume her work. The reason behind Mrs. Stilin's expulsion appears to have been due to the fact that she had previously applied for the position of the Director General coupled with her attempts to draw attention to various breaches of duty and violations of the law alleged to have been committed by Mr. Topic, who had also been a candidate for the position of Director General. The alleged breaches of duty and violations of the law committed by Mr. Topic subsequently became the subject of several administrative and judicial proceedings. Mrs. Stilin has collected voluminous documentation about these matters and this documentation is available to anyone who is interested.

Under strong lobbying from the Croatian President, the newly elected socialist government decided to extend the mandate of Mr. Topic in 2012 despite that fact that the Croatian media had reported on numerous irregularities in which he was alleged to have been involved as Director-General of the Croatian Patent Office. There were reports of various official investigations, inter alia concerning allegations about the bribing of the Croatian Minister of science Dragan Primorac, whereby the Patent Office under the direction of Zeljko Topic provided the Minister and his wife with a brand new Audi A6 car free of charge. Mr. Topic was also alleged to have also taken possession of a new Mercedes Benz Limousine after the expiry of the lease agreement between the Patent Office and the leasing company.

It appears that various anonymous letters concerning these matters have been submitted to the German Ministry of Justice and the European Patent Office. However, so far the investigation of the circumstances surrounding the appointment of Mr. Zeljko Topic as Vice President of the EPO has only

been carried out in a very superficial manner. According to internal and external reports, the current President of the EPO is protecting the disputed Vice President Topic. Against this background, the motives which induced the incumbent President to endorse Mr. Topic's candidature as Vice-President must be questioned. Certainly it cannot have been due to his professional competence. It would also be necessary to examine whether or not sufficient research had been carried out into Mr. Topic's previous activities prior to his appointment as EPO Vice-President. It seems that during the selection procedure for the Vice President Mr. Topic was considered as the clear favorite from the very start. If that is the case, it would amount to a serious error of judgement on the part of the incumbent President who will have to face the consequences.

We therefore propose that an independent investigation should be carried out under the direct supervision of the Administrative Council with the aim of clarifying the circumstances surrounding the selection and appointment of the disputed Vice President Topic. Such an investigation should include within its scope an examination of the role played by the incumbent President of the EPO in the affair.

The undersigned remains at your disposal should you have any further queries concerning the above matters.

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