

Original Croatian text: NIŠTA OD MILIJARDI ZA HRVATSKE PATENTE

<http://tjedno.com/index.php/kategorija-nalsovne-2/3802-nita-od-milijardi-za-hrvatske-patente>

(OLAF)  
(pri MF RH)  
Katančićeva 5  
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SAMOSTALNA SLUŽBA ZA  
SUZBIJANJE NEPRAVILNOSTI I  
PRIJEVARA

02-09-2013

REPUBLIKA HRVATSKA  
MINISTARSTVO FINANCIJA  
Zagreb, Kneževa 2

Predmet: OF / 2005 / 0390

Štovani !

Obraćam Vam se kao Uredu za suzbijanje prijevара Europske unije OLAF u RH ,  
tj. Uredu za informiranje EU za Hrvatsku.  
Svojim dopisom od 17. 8. 2005. na br. OF/2005/0390 kod Ureda za suzbijanje prijevара  
Europske unije OLAF – rue Joseph 11, 30 – B – 1049 Bruxelles, Belgija, zatražio sam da  
se poduzmu mjere protiv štete, koju Hrvatskoj i Europskoj uniji nanosi američka tvrtka  
Gillette u suradnji s DZIV-om RH. U međuvremenu je Hrvatska postala članica Europske  
unije (1. 7. 2013.).  
Kako do sada nisam dobio nikakav odgovor, a ovaj ured za suzbijanje prijevара Europske  
unije OLAF kao i ured za informiranje Europske unije je otvoren u Zagrebu, slobodan  
sam Vas zamoliti da se hitno udovolji mojim prijedlozima, upućenim Uredu za suzbijanje  
prijevара Europske unije (OLAF) pod gornjim brojem.

Zagreb, 29.8.2013.

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Kabalin

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# CROATIAN PATENTS WORTH BILLIONS – BUT NOT FOR THE INVENTORS !

*EU accession has not brought any improvements in this area*

**Date:** 16 October 2013

**Author:** Franjo Dobrović

Following Croatia's accession to the EU this summer, many of our citizens hoped that this would lead to rapid and efficient changes, especially in relation to the judicial system with its multiple layers of corruption. At the beginning of September, the Croatian engineer Mr. Ivan Kabalin submitted a complaint to OLAF [*the EU Anti-Fraud Office*] in Brussels - via the Croatian Ministry of Finance. He requested an interim status report concerning Docket No. OF / 2005 / 0390. This case and a number of others, all of which share a common denominator, namely corruption, have prompted us to once again focus our attention on the problems relating to the field of intellectual property rights.

## THE MINISTRY OF FINANCE ACTS AS OLAF'S POSTMAN

We contacted the Ministry of Finance for clarification and received confirmation of the authenticity of the request along with a note explaining that the case had been referred to the State Attorney's Office and the Croatian Ministry of Internal Affairs. We were particularly surprised by that because the Ministry of Finance, together with its Antifraud Division (SSNIP) acts as a postman for OLAF providing mailbox facilities for the latter in Croatia. To be more precise, we quote from their official response: "*Accordingly, OLAF does not have an office in the Republic of Croatia, so the SSNIP is main focal point for the exchange of information and coordination of OLAF's activities in the Republic of Croatia.*"

If that is so, the question arises as to why our citizen's document was not forwarded by the Ministry of Finance to OLAF, but to Ranko Ostojic [*the Minister for the Interior*] and Mladen Bajic [*the Chief Public Prosecutor*].

In addition, the State officials used their reply to provide us with the following insight into their mission: "*The Department for Combating Irregularities and Fraud (hereinafter referred to as the SSNIP) is responsible for the coordination of legislative, administrative and operational activities of the bodies in the AFCOS system, aimed at protecting the financial interests of the European Union, and, consequently, for direct cooperation with OLAF. The scope of SSNIP's work is prescribed by the Regulation on the Internal Organization of the Ministry of Finance (Official Gazette 32/12, 67/12, 124/12, 78/13 and 102/13).*"

## CROATIA AS AN INTELLECTUAL COLONY

Mr. Ivan Kabalin's request to OLAF relates to alleged irregularities and breaches of law at the Croatian State Intellectual Property Office (SIPO), which for many years was headed by the controversial Željko Topić. To remind our readers, Mr. Kabalin filed his innovative solutions with the then Central Bureau for Patents, as it was formerly called, i.e. what is now the State Intellectual Property Office. Kabalin specifically states that, apart from the aforementioned chicanery to which he and the Republic of Croatia have been subjected, there is plenty of publicly available evidence to indicate that the U.S. administration has been an active participant in the expropriation inflicted on both himself and his homeland.

While Mr. Kabalin hopes that his concept has not been irrevocably stolen from him for further industrial application, it must be noted that the state of which he is a citizen is apparently in no position to offer him any protection in this regard. The former member of the Croatian Parliament Pero Kovačević has asked the Croatian Government to comment on Mr. Kabalin's allegations that the decision of the SIPO in this matter was unprofessional and irresponsible.

Mr. Kabalin patented a special razor which is known to the world today as the Gillette Sensor Excel, a product from which the U.S. company Gillette earns billions of dollars a year. The same invention is also marketed worldwide by the British company Wilkinson Sword while the true inventor is living in abject poverty near Petrinja.

Unfortunately, the Republic of Croatia has condemned itself to being an intellectual colony. In the interest of foreign exploiters, certain individuals have left the inventions of Croatian inventors devoid of any effective protection. At a time when technology rules the world and the number of inventors per capita puts the Republic of Croatia among the leading countries in the world in that field, the legislation in force results in a situation where patents are essentially worthless. Therefore it comes as no surprise that The Law School of the University of Zagreb has only recently introduced an elective course on intellectual property.

Apart from Mr. Kabalin's case, a further reason for OLAF's involvement in investigations in Croatia relates to a state institution of the Federal Republic of Germany – the German Patent and Trade Mark Office (Deutsches Patent- und Markenamt - DPMA) which some years ago in the context of international cooperation provided financial assistance amounting to tens of thousands of Euros for improving the documentation and computerization of the SIPO. However, it appears that the payment was remitted to the private bank account of the former SIPO director, Mr. Željko Topić. How the details of his private bank account found their way into the official correspondence and documents of SIPO and whether or not the error was ever corrected remains an unsolved mystery for the moment.

## WHAT IS THE ROLE OF THE STATE ATTORNEY'S OFFICE?

Aside from Mr. Kabalin's petition, our portal has received several documents from German sources which indicate a malfunctioning in the cooperation and coordination between our national authorities and international institutions. According to documents which we have obtained, it would appear that either the State Attorney's Office (SAO) or USKOK have issued a document confirming that there are no criminal proceedings against the former director of SIPO, Mr. Željko Topić as all charges against him have been dropped. According to the information at our disposal, this is not correct because the County and Municipal State Attorney's Offices in Zagreb are currently processing at least six pending criminal cases against Željko Topić.

So it seems that someone from the aforementioned State authorities responsible for conducting prosecutions improperly issued a document by which the compromised former SIPO Director maintains his current position at the European Patent Office (EPO), a European intergovernmental institution based in Munich. If this is the case, such a document could only have been signed by the Chief Public Prosecutor.

Against this background, the matter starts to assume the dimension of a criminal offence of abuse of office and authority specified in the Criminal Code as an offence against official duties. It is precisely because the SAO and USKOK failed to exercise proper control over the operations of the SIPO that individual citizens were forced to do the job that these bodies were under an official obligation to perform: *i.e.* to investigate and prosecute criminal offences which had been reported to them or of which they themselves had become aware in the course of their official duties.

This international scandal involving the suspicion of illegal actions on the part of the Chief State Attorney also brings the Republic of Croatia into disrepute. The rule of law is proclaimed as a matter of public interest and it deserves to be accorded priority over the interests of current President of the Republic or those of the Prime Minister or the presiding official of the SAO.

According to our information, proceedings before the European Court of Human Rights in Strasbourg which also refer to Mr. Topić's bribing of the former Minister of Science in the Government led by the corrupt Ivo Sanader are still pending.

As long as the real culprits are not brought to account, *i.e.* those persons who have failed and who still continue to fail to take measures to prevent such irregularities thereby committing a grave and cumulative breach of official duties defined in the Civil Service Act as the offence of negligent performance of duty, conduct of this kind will continue to generate a profound sense of dissatisfaction among the citizens of Croatia. An even greater problem than those relating to the Croatian judicial system, seems to be the inaction of the administrative apparatus which, as a rule, is not held to account for its negligence. It is not sufficient to loudly proclaim the rule of law, this principle also needs to be enforced.

The situation in Croatia was recently described in graphic terms by an American journalist:

*"There is a country in the Balkans where the Government despises its citizens as inconvenient witnesses, where the laws lack legitimacy and where anarchy is the normal state of affairs."*

## **TOPIĆ UNDER INVESTIGATION BY THE SIPA\* ?**

[\* SIPA = The Bosnian State Investigation and Protection Agency]

In response to numerous media reports, the European Patent Office (EPO) carried out an investigation at the University of Banja Luka, with the aim of examining the allegations relating to the forgery of Mr. Topić's M.Sc. degree. In his report (which is attached to this article), the EPO investigator Florian Andres claimed to have found nothing suspicious in the documentation or during his discussions with the Dean of the University Rector, Dr. Stanko Stanić. However, according to our sources in Banja Luka and Sarajevo, Dr. Stanić neither knows nor could have known anything about a possible forgery in the case of Mr. Topić's "M.Sc." university documents because he signs off thousands of diplomas in a purely formal capacity without going into the details of the documentation placed before him.

The trail relating to the potential forgery of Mr. Željko Topić's university documentation leads from Banja Luka to Sarajevo. Why? Because the Faculty of Economics in Banja Luka was established by the Faculty of Economics of the University of Sarajevo in the 1970s. Coincidentally or not, the mentor listed on the degree thesis of Mr. Željko Topić [i.e. Dr. Boris Tihi] is a retired economics professor from the Faculty of Economics in Sarajevo who now works as an economic adviser in the Office of the Ministerial Council of Bosnia and Herzegovina, i.e. the government of Bosnia and Herzegovina. Our sources in Sarajevo close to the government reported that their current economic advisor can neither confirm nor deny that he acted as a mentor for anybody at the Banja Luka Faculty of Economics prior to 1990! Of particular interest here is the fact that Mr. Topić's master's thesis does not list the names of the committee members before which the controversial thesis was defended but only bears the name of the mysterious mentor from Sarajevo.

According to unofficial information, this matter is under investigation by the the State Investigation and Protection Agency of Bosnia and Herzegovina (SIPA) which is responsible for collecting and processing data of interest for the implementation of international and criminal law. It now looks as if the intrepid EPO investigator Mr. Andres may have to go on another official journey. But this time to Sarajevo ...

Given that the EU and other international bodies are following this case with great interest, it can be expected that Mr. Željko Topić, M.Sc., will very soon become a major focus of attention for all those who take an interest in patent-related matters connected to the former Yugoslavia, but unfortunately in a negative sense.

## THE TANGLED WEB BEGINS TO UNRAVEL IN GERMANY

Our claims are confirmed by information coming from German journalistic sources according to which EPO employees have in recent months approached members of the Bundestag based in Berlin who in turn have requested a written response from EPO President Benoît Battistelli. In addition, it seems that an investigative action into the case of Mr. Željko Topić, now a senior EPO employee, has been initiated by the German Ministry of Justice. Thus, our “Master” is accompanied by the strains of ZAMP music not only in the Republic of Croatia but also beyond its borders.

According to our sources, the EPO President Battistelli is currently mounting a vigorous defence of Topić. The explanation for this according to the unofficial information provided by our sources at the EPO in Vienna and the Hague is as follows. Topić faithfully carries out the orders of his master Battistelli as a coordinator of the EPO’s internal voting machine particularly in relation to the countries of the former Yugoslavia which make up a significant proportion of the member states in the decision-making body of this organization. So it seems that he literally co-exists with the EPO President in a harmonious symbiosis. In this capacity, he occasionally has the responsibility for inviting the members of national judiciaries to participate in “study tours” thereby becoming involved in a direct conflict of interest. Our portal is in possession of a list of persons who attended one of the aforementioned “study tours”. A tragic-comical aspect of this story is that cases related to intellectual property matters may soon land on the desks of these judges requiring them to decide on matters which may have some points of contact with certain persons from this Balkan saga and which have already been the subject of prior deliberation in some seedy Munich beer hall.

As can be seen, our “Master” is for the time being enjoying the benefits of the European Union. Indeed, he started to enjoy them long before normal Croatian citizens became full members of the EU’s enlarged family, especially when one considers his current salary which is estimated to be in the order of an astronomical EUR 15,000 per month.



26.02.2013

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## Defamation Campaign against VP 4

### Note to All Staff

Over the past couple of days an obviously concerted effort has been made to attack the reputation and standing of the Vice-President of DG 4, Mr Topic. This has taken the form of anonymous letters being sent and/or made available to EPO employees.

In the face of this vicious campaign, I wish to make clear that the allegations are without any foundation. They have already been dismissed by the Croatian authorities. Furthermore, Mr Topic engaged legal proceedings some time ago in Zagreb, for criminal slander and defamation as well as for damages against parties who have published the allegations.

I believe that all EPO staff will deplore the events which have occurred and share my shock and sadness that the circumstances surrounding the anonymous letters - the postmarks, the forms of address and so on - clearly point to the involvement of persons with a connection to and precise knowledge of the EPO in Munich. My duty is to defend every staff members by all legal means if they, through an attack to their dignity and integrity, become victims of harassment. But beyond this general principle, we cannot tolerate the behaviour of those who spread false and malicious rumours with impunity, the content of which clearly bears the mark of entrenched prejudice against our first Vice-President from a new member State.

Should any member of EPO staff be found to have played a role in the cowardly anonymous attacks against Mr Topic, he she or they will be called to account.



Benoît Battistelli

President

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26.02.2013 | Author: Benoît Battistelli - President

## Communiqué PD 0.6

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20.06.2013

### **Outcome of investigation into allegations against VP4**

Over the last months, a vigorous campaign of allegations has taken place against the person of Vice President DG 4, Mr. Željko Topić, via anonymous mailings, leaflets, and the internet. These appear to be aimed at harming the good reputation and person of Mr. Topić. Considering his general duty of care to protect members of EPO staff under malicious attack, the President referred the matter to me for review pursuant to the Investigation Guidelines.

Some of these same allegations were also brought in good faith by staff to the attention of PD 0.6, in accordance with Circular No. 342. The EPO Investigative Unit conducts internal administrative investigations that concern the Office's activities, the scope of which are defined in Circular No. 342. The allegations brought against Mr. Topić included one major aspect which falls fully in the scope of the work of the investigative unit, namely, the allegation that an academic certificate which he had submitted to the EPO upon his recruitment had been falsified. The investigative unit in D 0.6.1 subsequently conducted an extensive and thorough review of those allegations that fall within its remit, and submitted a report of its findings to the President of the Office and to the Chairman of the Administrative Council, the Council being in this case the appointing authority.

The investigation demonstrated that all aspects of the allegations pertaining to an alleged falsification of academic credentials are baseless.

Numerous original documents from the University of Banja Luka and Mr. Topić - university matriculation records, state pension records, a certificate, a diploma, and the original copy of Mr. Topić's thesis as submitted to the University - demonstrate, beyond any doubt, that Mr. Topić obtained a Master of Economics and Business Administration in 1989. The investigators confirmed the veracity of these documents at their source, the University of Banja Luka, in Bosnia Herzegovina.

Prof. Dr. Stanko Stanić, the Rector of the University of Banja Luka (also former Dean of the Faculty of Economics) confirmed in a personal meeting with the investigators, held at the university, that Mr. Topić had successfully completed the Master's programme. He also informed the investigators that the Master's course - based on the nature and content, would now be classified as a Master in Economics and Business Administration.

It is finally noted that no factual evidence was presented to substantiate any other allegations against Mr. Topić.

Florian Andres  
PD Internal Audit and Oversight

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20.06.13 | Author: Florian Andres | PD Internal Audit and Oversight