

## ACTIONS CONTINUE

### DEMONSTRATION: WEDNESDAY 25 MARCH

### ISAR BUILDING AT 12.30h

#### The EPO in the news

Last Saturday (21 March) the two most respected Dutch newspapers, NRC and Volkskrant, both ran highly critical two-page articles about the EPO. The NRC commented in a second article on the refusal of the EPO to admit the Dutch labour inspection after a suicide on the premises in The Hague. As usual, Mr Battistelli denied all the charges, insisted on the EPO's immunity and blamed SUEPO. The articles can be found here:

NRC, ***"Ik ben geen zonnekoning"***

<http://www.nrc.nl/handelsblad/van/2015/maart/21/ik-ben-geen-zonnekoning-1477227>  
(printable version)<sup>1</sup>, (Google translation)

NRC, ***"De arbeidsinspectie komt er bij het Europees Octrooibureau niet in"***,

<http://www.nrc.nl/handelsblad/van/2015/maart/21/ruzie-de-arbeidsinspectie-komt-er-bij-het-europee-1477187> (printable version)<sup>2</sup>, (Google translation)

De Volkskrant, ***"Baas van Europese octrooiorganisatie voert schrikbewind"***

<http://www.volkskrant.nl/economie/baas-van-europese-octrooiorganisatie-voert-schrikbewind~a3918719/> (printable version)<sup>3</sup>, (Google translation)

SUEPO will provide official translations as soon as possible.

IP blogs have also become rather critical of Mr Battistelli's attitude and behaviour, see e.g.:

<http://kluwerpatentblog.com/2015/03/20/behavior-benoit-battistelli-is-bad-for-the-epos-reputation/>  
<http://www.fosspatents.com/2015/03/epo-human-rights-issues-and-eu-patent.html>

Finally, an English translation of judgment pronounced in a court case in Croatia earlier this year has become available: <http://techrights.org/2015/03/18/full-judgment-against-topic/>

In this case Mr Topic (VP4) complained about defamation. The judge could not see any defamation in the – very serious - accusations against Mr Topic. These findings are highly embarrassing not only for Mr Topic but also for Mr Battistelli who has long denounced what he called a ***"defamation campaign against VP4"***<sup>4</sup>. Mr Battistelli imposed (and the Council rubber-stamped) a house ban on a Member of the Boards of Appeal suspected of involvement in the alleged ***"defamation campaign"***<sup>5</sup>. Such charges now seem difficult to maintain.

<sup>1</sup> <http://www.suepo.org/public/ex15136cp.pdf>

<sup>2</sup> <http://www.suepo.org/public/ex15138cp.pdf>

<sup>3</sup> <http://www.suepo.org/public/ex15139cp.pdf>

<sup>4</sup> see e.g. Mr Battistelli's [note to all staff](#) of 26.02.2013:

<sup>5</sup> link to Communiqué No. 64

## And the politicians?

The leading politicians responsible for patent matters in the Member States remain mostly silent. But it is clear that Mr Battistelli's open disdain for the Dutch judiciary and the Dutch labour inspection has raised eye-brows in The Netherlands. We also hear that Mr Battistelli's plan to move DG3 to Berlin did not go down well with the German government. It seems that the French government is starting to become seriously worried about possible damage to the reputation of France. And we doubt that the UK minister of Innovation ("the Baroness") failed to notice the criticism about her apparent inactivity in the current crisis:

<http://ipkitten.blogspot.de/2015/03/peace-for-our-time-or-another-wasted.html>

<http://ipkitten.blogspot.de/2015/02/epo-suepo-and-question-of-governance.html>

## Next reforms

The Administrative Council of the EPO will meet on Wednesday 25 and Thursday 26 March in Munich. On the agenda are a reform of DG3 ([CA/16/15](#)) and the next "health reform" ([CA/14/15a](#)). The proposed reform of DG3 is purportedly intended to improve the "perception of independence of the Boards of Appeal." In reality the reform amounts to a hostile take-over of DG3 by the Administrative Council.

The "health reform" pretends to improve the reintegration of staff on long-term sick-leave or invalidity. In practice it will seriously weaken the position of sick staff vis à vis the Office by excluding the treating physician from the medical committee. The Office furthermore plans to unilaterally abolish the – thus far compulsory - invalidity insurance that staff may have been paying for 10, 20 or even 30 years. This amounts to a breach of contract.

Apart from being financially disadvantageous, the new regulations would oblige sick staff to remain at their place of employment during at least 10 years of full incapacity before the Office will consider recognizing their invalidity. *During this time they will need to request permission from their employer for every absence.* According to SUEPO this is an impermissible infringement of their privacy.



## What are our claims?

Staff at the EPO calls on the Administrative Council:

- to reject the proposed health reform that foresees measures that have no equivalent in any of the EPO member states and violates fundamental rights, and
- to order the President of the EPO to enter into negotiation with the staff representation in order to come to an agreed solution.

***SUEPO intends to organise a demonstration every month for as long as it takes to bring the EPO back on track.***

SUEPO Munich

*"I'm open. But we also have troublesome unions.  
A mix of French unions with German efficiency: a dangerous cocktail."*

**Benoît Battistelli, NRC, ["Ik ben geen zonnekoning"](#), 21 March 2015**

**A SUEPO membership application form is available [here](#)**