

INTERNATIONALE GEWERKSCHAFT IM EUROPÄISCHEN PATENTAMT

**IGEPA**

STAFF UNION OF THE EUROPEAN PATENT OFFICE

**SUEPO**

UNION SYNDICALE DE L'OFFICE EUROPEEN DES BREVETS

**USOEB**



Ortssektion München . Local Section **Munich** . Section locale de Munich

23 May 2013  
su13070mp - 0.2.2

## Resolution

The members of SUEPO, gathered in a General Assembly in Munich on 23 May 2013,

### **Deplore that:**

Mr Battistelli, instead of discussing meaningfully the issues that led to office-wide industrial actions, prefers to push repressive measures attacking staff basic rights, namely:

- **Restricting the right to strike** (by introducing a regulation unilaterally, with so many restrictions that strikes would de facto be banned from the EPO),
- **Limiting the facilities for information of staff** (by prohibiting staff representatives to send emails to staff),
- **Undermining the right to meaningful representation** (cutting of Staff Representation time beyond what has proven to be necessary during the past years, and denying access to necessary data).

### **Note that:**

Authoritarian measures of the kind proposed by Mr Battistelli are out of place and totally inappropriate in democratic Europe including the EPO. Previous presidents have managed to steer the organisation along a successful path without such authoritarian measures and violation of fundamental rights.

The claims stated in the SUEPO Resolution dated 12th March 2013, which are maintained *in toto*, have not been addressed by the administration.

### **Reject:**

the measures proposed by Mr Battistelli in the draft "[Circular on strikes](#)" as an interference in the right to strike and a violation of freedom of association.

### **Claim that:**

- 1) The President withdraws the measures and threats stated in communiqués [26](#) and [27](#),
- 2) The steps undertaken to restrict the right to strike are withdrawn,
- 3) Staff Committee's and SUEPO's current communication means remain unrestricted and uncensored,
- 4) The well-being proposals ([GAC/DOC 09/2013](#)) are withdrawn,

- 5) The pending requests of the resolution of 12th March 2013 including withdrawal of the Investigation Guidelines in its present form and withdrawal of the reform of the Internal Appeals System are fulfilled.

**Mandate the SUEPO Committee to:**

**Intensify the on-going office-wide action plan in pursuit of all outstanding claims of staff by:**

- Extending and expanding the existing action plan until Mr Battistelli satisfactorily addresses the claims of staff.
- Undertaking measures so that applicants, attorneys and delegations note that personnel is working in an atmosphere of great uncertainty and fear creating unfavourable conditions for high output.

**Create awareness of the stakeholders by:**

- Informing the AC/BFC delegations of the current tensed situation and lobbying them to use their influence in the Organisation to affect change to the better,
- Organising demonstrations for appropriate landmark events,
- Informing National Ministries and European institutions of the current misuse of power inside our Organisation,
- Drawing the attention of the international community to the attacks on fundamental rights, labour relations and social package, to the lack of legal protection of such rights, and to the consequent abuse of the functional immunity and powers granted to the Office;
- Pointing out the staff's lack of confidence in Mr Battistelli and his upper management ([Technologia Survey 2013](#)).



## Resolution

The members of SUEPO, gathered in a General Assemblies in The Hague on 23 May 2013,

### Deplore that:

Mr Battistelli, instead of discussing meaningfully the issues that led to office-wide industrial actions, prefers to push repressive measures attacking staff basic rights, namely:

- **restricting the right to strike** (by introducing a regulation unilaterally, with so many restrictions that strikes would de facto be banned from the EPO);
- **limiting the right to be informed** (by interfering with communications to staff, de facto censoring staff and SUEPO representatives);
- **undermining the right to meaningful representation** (cutting of Staff Representation time, unilaterally fixing the compositions of the Staff Rep teams, and denying access to necessary data).

### Note that:

- Authoritarian measures of the kind proposed by Mr Battistelli are out of place and totally inappropriate in modern Europe including the EPO;
- Social dialogue requires meaningful involvement of staff, serious evaluation of opinions given, and the desire to reach agreement on the employment package;
- The President's behaviour not only shows contempt for EPO staff and their fundamental rights, but it will lead to a further aggravation of the current conflict.

### Reject:

- As an interference in the right to strike and a violation of freedom of association the measures proposed by Mr Battistelli in the draft "Circular on strikes"

**Claim that:**

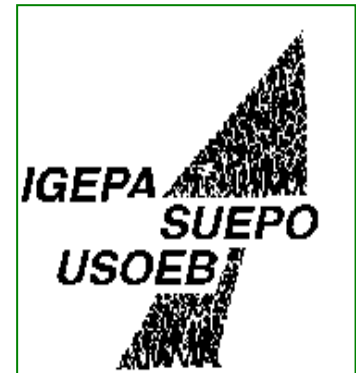
- The claims stated in the SUEPO Resolution dated 15 February 2013 are maintained;
- The President withdraws the measures and threats stated in communiqués 26 and 27;
- The proposals to restrict the right to strike, including illegal strike deductions, are withdrawn;
- The investigation guidelines in their present form are withdrawn;
- Staff Committee's and SUEPO's current communication means (electronic and paper) remain unrestricted and uncensored;
- A real social dialogue on the claims of staff be initiated as soon as possible;
- Sufficient time and information be given to the Staff Representation to allow them to meaningfully carry out their duties;

**Mandate the SUEPO Committee to:**

- 1. Intensify the on-going office-wide action plan in pursuit of all outstanding claims of staff by:**
  - Extending and expanding the existing action plan until such time that Mr Battistelli satisfactorily addresses the claims of staff;
  - Undertake measures to further slow down granting of patents such that as few as possible grants will be issued
  - Proposing substantial additional days of picket strike;
- 2. create public awareness by:**
  - Informing the AC/BFC delegations of the current tensed situation and lobby them to use their influence in the Organisation to affect change to the better;
  - organising demonstrations for appropriate landmark events;
  - informing the European Public, e.g. by contacting National Ministries and media or European institutions, of the current abuse of power inside our Organisation;
  - drawing the attention of the international community to the attacks on fundamental rights, labour relations and social package, the lack of legal protection of such rights, and the consequent abuse of the functional immunity and powers granted to the Office;
  - Informing all stakeholders about the Staff's lack of confidence in Mr Battistelli.

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STAFF UNION OF THE EUROPEAN PATENT OFFICE  
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Ortssektion Wien      Local section **Vienna**      Section de Vienne

23 May 2013

## Resolution

**(similar resolutions are voted in the other 3 places of employment)**

The members of SUEPO, gathered in a General Assembly in Vienna on 23 May 2013,

### **Deplore that:**

Mr Battistelli, instead of discussing meaningfully the issues that led to office-wide industrial actions, prefers to push repressive measures attacking staff basic rights, namely:

**restricting the right to strike** (by introducing a regulation unilaterally, with so many restrictions that strikes would de facto be banned from the EPO),  
**limiting the facilities for information of staff** (by prohibiting staff representatives to send emails to groups of staff),  
**undermining the right to meaningful representation** (cutting of Staff Representation time beyond what has proven to be necessary during the past years, and denying access to necessary data).

### **Note that:**

Authoritarian measures of the kind proposed by Mr Battistelli are out of place and totally inappropriate in modern Europe including the EPO. Social dialogue requires meaningful involvement of staff, serious evaluation of opinions given, and the desire to reach agreement on the employment package; The President's behaviour not only shows contempt for EPO staff and their fundamental rights, but it will lead to a further deterioration of the current conflict.

The claims stated in the [SUEPO Vienna Resolution](#) dated 12th March 2013, which are maintained in total, have not been addressed.

### **Reject:**

As an interference in the right to strike and a violation of freedom of association the measures proposed by Mr Battistelli in the draft "[Circular on strikes](#)".

### **Claim that:**

- 1) The President withdraws the measures and threats stated in communiqués [26](#) and [27](#),
- 2) The steps undertaken to restrict the right to strike are withdrawn,
- 3) Staff Committee's and SUEPO's current communication means remain unrestricted and uncensored,

- 4) The well-being proposals ([GAC/DOC 09/2013](#)) are withdrawn,
- 5) Sufficient time and information be given to the Staff Representation to allow them to meaningfully carry out their duties;
- 6) That the pending requests of the [SUEPO Vienna Resolution](#) of 12th March 2013 including withdrawal of the Investigation Guidelines in its present form and withdrawal of the reform of the Internal Appeals System are fulfilled.

**Mandate the SUEPO Committee to:**

**Intensify the on-going office-wide action plan in pursuit of all outstanding claims of staff by:**

- Extending and expanding the existing action plan until December 2013 or until such time that Mr Battistelli satisfactorily addresses the claims of staff.
- Undertaking measures so that applicants, attorneys, delegations, patent information users and other stakeholders note in our output that personnel is working in an atmosphere of great uncertainty and fear creating unfavourable conditions for optimum work and high output.

**Create awareness of appropriate stakeholders by:**

- Informing the AC/BFC delegations of the current tense situation and lobby them to use their influence in the Organisation to affect change to the better,
- Organising demonstrations for appropriate landmark events,
- Informing National Ministries and European institutions of the current misuse of power inside our Organisation,
- Drawing the attention of the international community to the attacks on fundamental rights, labour relations and social package, the lack of legal protection of such rights, and the consequent abuse of the functional immunity and powers granted to the Office;
- Pointing out the staff's lack of confidence in Mr Battistelli and his upper management ([Technologia Survey 2013](#) p. 37).

## **Resolution**

The members of SUEPO, gathered in a General Assembly in Berlin on 23 May 2013,

### **Deplore that:**

Mr Battistelli, instead of discussing meaningfully the issues that led to office-wide industrial actions, prefers to push repressive measures attacking staff basic rights, namely:

- **restricting the right to strike** (by introducing a regulation unilaterally, with so many restrictions that strikes would de facto be banned from the EPO),
- **limiting the facilities for information of staff** (by interfering with communications to staff, de facto censoring staff and SUEPO representatives),
- **undermining the right to meaningful representation** (cutting of Staff Representation time beyond what has proven to be necessary during the past years, and denying access to necessary data).

### **Note that:**

- **Authoritarian measures** of the kind proposed by Mr Battistelli are out of place and totally inappropriate in modern Europe including the EPO;
- **Social dialogue requires meaningful involvement of staff**, serious evaluation of opinions given, and the desire to reach agreement on the employment package;
- **The President's behaviour** not only shows contempt for EPO staff and their fundamental rights, but it will lead to a further deterioration of the current conflict.
- **The claims** stated in the SUEPO Resolution dated 12th March 2013, which are maintained in their totality, **have not been addressed**.

### **Reject:**

As an interference in the right to strike and a violation of freedom of association the measures proposed by Mr Battistelli in the draft "[Circular on strikes](#)".

### **Claim that:**

- 1) The President **withdraws the measures and threats** stated in communiqués [26](#) and [27](#),
- 2) The proposals to restrict **the right to strike** are withdrawn,
- 3) Staff Committee's and SUEPO's current **communication means** (electronic and paper) **remain unrestricted and uncensored**,
- 4) **The well-being proposals** ([GAC/DOC 09/2013](#)) are withdrawn,

- 5) That the **pending requests of the resolution of 12th March 2013** including withdrawal of the Investigation Guidelines in its present form and withdrawal of the reform of the Internal Appeals System **are fulfilled**.
- 6) **A real social dialogue on the claims of staff be initiated** as soon as possible; Especially sufficient time and information be given to the Staff Representation to allow them to meaningfully carry out their duties;

**Mandate the SUEPO Committee to:**

**Intensify the on-going office-wide action plan in pursuit of all outstanding claims of staff by:**

- Extending and expanding the existing action plan until such time that Mr. Battistelli satisfactorily addresses the claims of staff;
- Undertake measures to further slow down granting of patents such that as few as possible grants will be issued.

**Create awareness of appropriate stakeholders by:**

- **Informing the AC/BFC delegations** of the current tensed situation and lobby them to use their influence in the Organisation to affect change to the better,
- **Organising demonstrations** for appropriate landmark events,
- **Informing the European Public**, e.g. by contacting National Ministries, media and European institutions, of the current abuse of power inside our Organisation,
- **Drawing the attention of the international community** to the attacks on fundamental rights, labour relations and social package, the lack of legal protection of such rights, and the consequent abuse of the functional immunity and powers granted to the Office;
- **Informing all stakeholders** about the Staff's lack of confidence in Mr Battistelli. (Technologia Survey 2013).