

Defending our values

16.10.2015

Unprecedented disciplinary case

Dear Colleagues

It is my duty to inform you about an unprecedented disciplinary case concerning an employee appointed by the Administrative Council.

In its session of March 2015, the Administrative Council initiated a disciplinary procedure and nominated a Disciplinary Committee, composed of two renowned experts of the Intellectual Property world, two members of the Boards of Appeal and chaired by an eminent UK judge and former judge at the European Court of Justice.

The Disciplinary Committee expressed the view that the relevant rules and principles of law were correctly applied throughout the investigative and disciplinary procedure and assessed the facts brought forward during the investigation.

Among a long list of serious misconducts, including inter alia, abuse of IT system by using unauthorized software and thereby putting at risk EPO systems and data, and storage of items defined as weapons under German law and extremist material (including examples of Nazi memorabilia) at the workplace, the Disciplinary Committee focused on the following acts:

- the unauthorised disclosure of non-public information and critical opinions relating to Board of Appeal activities outside the EPO, while using pseudonyms;
- the spreading of accusations and attacks or threats against the EPO and its members, either directly or indirectly, both inside and outside the EPO.

Then the Disciplinary Committee stated "The appropriate sanction in the opinion of the Disciplinary Committee is dismissal pursuant to Article 93(2)(f) of the Service Regulations."

On October 15, the Administrative Council endorsed the opinion of the Disciplinary Committee that the appropriate disciplinary measure is dismissal.

Pursuant to article 23 (1) EPC, the removal from office of a member of Boards of Appeal is possible on a proposal from the Enlarged Board of Appeal (EBA). Therefore the Administrative Council decided to request the EBA to make such a proposal.

Until a final decision is taken by the Administrative Council, the staff member shall remain suspended and, in consideration of the serious misconduct now established by the Disciplinary Committee, half of his basic salary shall be withheld.

I am deeply saddened by these events and the subsequent internal and external unfounded controversy, which have seriously damaged both the Office and the Boards of Appeal's reputation and credibility.

Regrettably, it appears that this individual did not act alone and is one part of a network including internal and external individuals, aiming to destabilise and harm our Office.

These acts represent a direct threat for the future of the staff.

You know that you can count on my determination and commitment to take, with the full support of the EPO's management and staff, the necessary appropriate measures to avoid such harmful acts occurring in the future, regardless of the status of those involved. Together we will protect our mission, values and integrity.

A handwritten signature in black ink, appearing to read 'B. Battistelli', with a stylized flourish at the end.

Benoît Battistelli
President