

Zentraler Vorstand . Central Executive Committee . Bureau Central

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NOT OUR VALUES

The European Patent Office in disrepute

In terms of damage to our public image, the damage caused at the end of last week by Mr Battistelli was probably the worst in our (almost) 40 years' of existence.

SUEPO notes the following sequence of events:

- On Thursday 15 Oct., the Administrative Council did **not** follow the proposal of Mr Battistelli, which was in flagrant breach of Art. 23(1) EPC, to fire the suspended DG3 colleague.
- On the evening of the same day an article appeared in the [Financiele Dagblad](#)¹ (NL) which contained serious and partially bizarre accusations against the DG3 colleague, followed by further publications on the subject in the next days.
- On Friday 16 Oct. an internal Communiqué, entitled "Defending our values" by the President was issued which was very much along the same lines as the preceding (!) publication in the Financiele Dagblad.

SUEPO, having no insight into the details of the disciplinary case, will not attempt to comment on the merits but would like to point out that:

- a) everybody is to be considered **innocent until proven guilty**, and
- b) pending disciplinary procedures are **confidential**, primarily to protect the person concerned.

The procedure is still pending since the matter has been referred to the Enlarged Board of Appeal, which has yet to give its opinion. The accusations openly made by Mr Battistelli in his Communiqué of 16 Oct. are thus wholly inappropriate.

There is more:

- During the September PD-MAC meeting, Mr Battistelli announced to the participants that the Administrative Council would decide on the DG3 disciplinary case in its October meeting, after which the (DG3 member's) "*wrong doings will be made public.*"
- A week before the Council meeting, Mr Minnoye (VP1), Ms Mittermaier (our new Dir. External Communication) and Mr Osterwalder (EPO press spokesman) apparently met with a journalist of the Financiele Dagblad.

It thus looks as if, frustrated by his failure to persuade the Council to follow his patently unlawful proposal, Mr Battistelli nevertheless decided to execute the second part of his plan, i.e. to expose the purported wrong-doings of the DG3 colleague. If this is correct, it would suggest that the apparently selective leaking of (extracts from) the confidential report of the Investigation Unit to various media is part of a premeditated campaign orchestrated by Mr Battistelli². The purpose of these leaks seem to be to discredit the colleague concerned, and additionally exerting pressure on the Enlarged Board of Appeal with the aim of "encouraging" it to come to the "right" finding.

Mr Battistelli: who is bringing the European Patent Office into disrepute?

¹ <http://www.suepo.org/archive/ex15387cp.pdf> (with English translation)

² The funds (880.000 Euros) for media campaigning had already been reserved – see CA/F 19/15