

French govt complained to EPO over EUIPO election conduct

Rory O'Neill May 22, 2023



The Palais Bourbon, the lower legislative chamber of the French Parliament

The French finance minister told António Campinos the timing of an EPO event in Lisbon could be seen as interference in the EUIPO leadership race

French finance minister Bruno Le Maire wrote to António Campinos, president of the EPO, to complain over the timing of an event that will be held in Lisbon one week before the EUIPO leadership vote, Managing IP can reveal.

Le Maire, minister for the economy and finance since 2017, suggested the event could be seen as interfering with the process to select a new EUIPO executive director.

Managing IP can also reveal that the incumbent executive director, Christian Archambeau, hinted at interference “from Munich” in the decision to remove him last November.

The EPO’s headquarters are based in Munich.

French complaint

In his letter, sent on March 27 and seen by Managing IP, Le Maire told Campinos that the Council of the EU had the sole power to choose the next executive director.

“With this in mind, we are confident that the event organised by the EPO in Lisbon in May 2023 will not affect whatsoever the appointment process for the next executive director.

“However, since this event will bring together all directors of [EU IP offices] a week before [they] vote on the candidates for the position of executive director ... it seems that the date chosen for this EPO event is not ideal,” the letter said.

The letter was sent four months after the EUIPO management board voted not to renew Archambeau’s mandate and began advertising for a successor.

At that time, the French government had declared its support for the candidacy of Etienne Sanz de Acedo, INTA chief executive, for the EUIPO vacancy.

Applications for the post closed at the end of January.

The EPO is organising at least two events in Lisbon later this month.

First, the organisation will host the 17th **annual meeting** of the European Patent Network on May 26 and 27.

That event is linked to a **conference** on IP and sustainability organised by the Portuguese Institute of Industrial Property (INPI), and co-sponsored by the EPO, EUIPO, and WIPO, on May 29 and 30.

The EUIPO management board will meet on June 6 to nominate one of three candidates for the post of executive director: INTA chief executive Sanz de Acedo, EUIPO deputy executive director Andrea di Carlo, and João Negrão, chair of the EUIPO Boards of Appeal.

The governments of Italy and Portugal are backing Di Carlo and Negrão, respectively.

An EPO spokesman said: “The EPO does not comment on bilateral relations with member states or other stakeholders.”

He noted that the annual meeting with EPO member states would cover the entry into force of the unitary patent the following week on June 1.

“It is a longstanding arrangement that the cooperation meeting takes place in a different member state each year in May.

“Holding the meeting in Portugal at this time facilitates the participation of national delegations in the high-level IP conference that will be hosted by INPI in Lisbon on May 29 in collaboration with the EUIPO, WIPO and the EPO,” the spokesman added.

Sanz de Acedo told Managing IP: “It is extremely important for the EUIPO that the procedure is absolutely respected and fully transparent.

“All candidates must have an equal chance.”

When contacted, Negrão said: “I have full confidence in the selection procedure – I have always had – and I will accept the final result, whatever that will be.”

Di Carlo said the most important thing for the EUIPO was to emerge from the selection procedure with competent and independent leadership and to be able to "work collaboratively with the office's governing bodies and the whole IP community".

‘Ugly politics’

Sources say Archambeau raised the prospect of EPO interference shortly after the management board voted to remove him last November.

In a speech to EUIPO staff on November 27 last year, just a week after the vote, Archambeau said the decision was “ugly politics”.

“I want to reassure you that this [decision] does not reflect any discontent with my, your, or the office's performance.

“It is just the ugly side of politics, power games, and self-interest, initiated in Munich and Madrid,” Archambeau said.

Multiple sources have told Managing IP the remark was understood by EUIPO staff and observers to be a reference to the EPO.

Archambeau declined to comment on this story.

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