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A WRONG MAN SITTING AT THE EPO?

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The "Balkan Express" route of M.Sc. Željko Topić from Banja Luka to Munich via Zagreb.

The corruption scandal at the State Intellectual Property Office (SIPO) of the Republic of Croatia with M.Sc. Željko Topić, former Director of that Croatian institution in the main role, has crossed the administrative borders of the Republic of Croatia and is currently shaking the European Patent Office (EPO) in Munich, an international patent protection organisation, by an unprecedented affair to date.

The EPO with its headquarters in Munich is an institution of special importance for the EU. It has offices in The Hague, Berlin and Vienna and employs a considerable number of about seven thousand people. The basic EPO's role is to regulate and strengthen cooperation among the European Member States in terms of protection of patent rights. In addition to 27 EU Member States, as well as Croatia from 1st July 2013, it also represents the patent interests of 11 non-EU Member States. When in March 2012 the EPO's Management Board, with full support of President of the organisation, Benoit Batistelli, appointed a master of science from Banja Luka, Željko Topić, as one of the five Vice-Presidents, they probably did not have a clue who was coming to join them, a person with a number of criminal charges pressed against him and court proceedings in the Republic of Croatia and before the European Court of Human Rights in Strasbourg.

NEW ADDITIONS TO ŽELJKO TOPIĆ'S BIOGRAPHY

In addition to all juicy stories published in the media about Mr. Željko Topić so far, there is also some new evidence, which characterises his work and actions at the Croatian Intellectual Property Office in Zagreb at the time as a sophisticated conflict of interest. More specifically, while Mr. Željko Topić was sitting, i.e. was working for the SIPO, in April 2002 he simultaneously founded an association called "Adepta" – Croatian Intellectual Property Association" and offered "cooperation" to the SIPO. He would send interesting "notes" to the then Director of the SIPO and propose cooperation but also ask for financial support for his "projects". He introduced the association, falsely, as the first national association of its kind in Croatia, although the copyright protection had already been covered by the activities of the "Croatian Copyright Association" (CCA), whereas the intellectual property (industrial property and copyright with related rights) had been covered by the activities of a Croatian branch of the International Association for the Protection of Intellectual Property, the so-called "AIPPI – Croatia" as early as 1999.



However, to make things even more bizarre, Topić's "second" office was registered at the address of a nearby coffee bar in Plivska 27 in Zagreb, a mere 50-odd metres away from the SIPO's building. Many SIPO's employees witnessed Mr. Topić signing and stamping the letters of the Adepta Association during his working hours at the tables in the aforementioned coffee bar.

Off the record, practically the entire SIPO was aware of the activities of the main character in our story, but nobody took any action. According to our sources, Mr. Topić, allegedly had an intention to use the SIPO's national database for private purposes via "Adepta".

"Adepta"'s Vice-President Branka Ljubišić, who also became Topić's first deputy in 2004 when he became Director of the SIPO for the first time, left him after they had worked together for about a year at the foregoing positions and publicly accused him of incompetence. It would be useful to find out if Topić, when he became Director of the SIPO, gave financial donations to his own association given the fact that former Director of the SIPO, Hrvoje Junašević, refused to do so with resentment.

Topić's CV, which he personally uploaded on the Internet and which is visible on the portal of the World Intellectual Property Organization – WIPO due to his membership in its professional bodies, indicates that he is the president of the Croatian branch of the AIPPI, which is not true. He was hiding behind a minor "Adepta". Topić's CV is riddled with false facts. In particular, one can single out Topić's claim that he worked as an Assistant Director of the SIPO for 11 years (1992-2003). According to the information from the SIPO, the first Director of the SIPO, Nikola Kopčić, assumed his powers from the Government of the Republic of Croatia for the period of ten years, his entire mandate (1992-2002) and himself appointed the SIPO's officials (his assistants) instead of the Government of the Republic of Croatia. Accordingly, Željko Topić worked as an Assistant Director of the SIPO for a short while, but not for 11 years, as stated in his CV. Furthermore, it is indicative that he attributes such nomination to himself as authorised nomination and simultaneously disputes identical nominations of others.

To our knowledge, it is still unknown if Mr. Batistelli, President of the EPO in Munich, is familiar with this important detail in the curriculum vitae of his assistant and if Željko Topić meanwhile followed the same pattern and set up a parallel association at an obscure kebab bar in the German territory, at the nearby Bahnhof (railway station) in Munich.

In his CV, Topić likewise indicated that he worked on the establishment of the national intellectual property system, that is, legislation of the SIPO of the Republic of Croatia, which is not true. It was the SIPO's lawyers, and not him as an economist, who worked on that subject matter. He claimed to be an initiator, coordinator and main associate of the National Intellectual Property System Development Strategy in the Republic of Croatia, but it was a document he never observed, which can be demonstrated by his ignoring of the public lending right, a new right important for writers, whereby he caused them irreparable financial damage.



He claimed to be a national intellectual property coordinator in the EU accession process, but it was Professor Siniša Petrović from the Faculty of Law in Zagreb who had that role. He stated that he was a Croatian patent and trademark representative, but this function was attributed to him by his deputy (and vice versa) without any initial transparent procedure for others at the SIPO.

SIPO'S OFFICIAL AND SIPO'S REPRESENTATIVE AT THE SAME TIME

In addition to the „Adepta“ Association, in March 2003 with Attorneys at Law Korper & Haramija from Zagreb Željko Topić founded a company called Korper, Haramija & Topić d.o.o. /a limited liability company/, whose activities inter alia also included representation before the SIPO. When in 2004 he became Director of the SIPO, his actions were illegal: the Korper, Haramija & Topić d.o.o. Company was not registered in the SIPO's Register of Representatives since it would be a direct, visible conflict of interest. However, the powers of attorney submitted to the SIPO by that company for its representation of different entities together with the Topić's name were processed, like any other case, represented by companies registered in the Register of Representatives. Only the companies registered in the SIPO's Register of Representatives may engage in representation as an occupation, which excludes the Korper, Haramija & Topić d.o.o. Company and makes their powers of attorney invalid.

We are in possession of the powers of attorney of that company with Topić's name and evidence of further proceedings, at the time when he was Director of the SIPO, as well as other documentation which corroborates our claims.

Additionally, if other representatives had found out that the SIPO's Director represents other companies in line with the powers of attorney, they could have made a big legal scandal and pleaded a conflict of interest. Unlike the Adepta episode from the nearby coffee bar, some employees within the SIPO's system must have been aware of this illegal business of Željko Topić since the foregoing documentation had to pass through their hands.

Whilst doing research into this topic, we also obtained some information that Mr. Željko Topić owns a document issued by the Croatian authorities that denies any serious proceedings instituted against him in the Republic of Croatia now or at least for the time being, that is, it indicates that all charges against him were dropped. This document is allegedly officially available at the EPO in Munich on its internal website signed by President of the EPO in February 2013. If this is true, then only the State Attorney's Office (DORH) headed by Chief State Attorney Mladen Bajić could have issued that document to “master of science” Topić. At any case, it will be interesting to see how this story is going to develop after it has become established how this Balkan intellectual managed to go through the EU security system and get employed at the EPO in Munich. According to some unofficial German newspaper sources, Željko Topić enjoys the protection of President of the EPO, Benoit Batistelli. The motive or cause behind it is yet to be identified within the EPO's security system.



As it is evident from the official website of the SIPO and the EPO, during the last year Željko Topić slowly started to recruit his resources systematically and to create his network within the ranks of the EPO: recently the current Director of the Croatian SIPO, Ljiljana Kuterovac, “suddenly turned up” there. A couple of months ago she was appointed as a member of the Supervisory Board of the EPO’s Academy in Munich for a three-year mandate. Many thus consider this international promotion of the current SIPO’s Director from Zagreb as a reciprocal favour to the person to whom Željko Topić assigned a private task to “watch his back” in court proceedings in Croatia and to be his informant on a daily basis.

EPO STARTS INVESTIGATION IN THE SRPSKA REPUBLIC

According to his official CV, Željko Topić started his career as a sales specialist at the Yugoslav Railways with headquarters in Banja Luka (former Yugoslav Republic Bosnia and Herzegovina) in the early 1980s, i.e. after he had finished his studies. He tried to get a job at the Ministry of Foreign Affairs of the Republic of Yugoslavia in Belgrade before that, but he was rejected.

Off the record, according to the newspaper headlines and systematic internal reports at the headquarters in Munich, the EPO has started an official investigation in the territory of the Republic of Srpska, at the University of Banja Luka, to establish the credibility of his diploma, that is, his master’s degree. The findings of the EPO’s investigation team are still unknown, including the reasons why a master of science from Banja Luka when seeking employment at the EPO did not mention a number of criminal proceedings instituted against him in Croatia and two court proceedings in Strasbourg.

Before his arrival at the EPO, on a few occasions Željko Topić also tried to apply for a job at the World Intellectual Property Organization (WIPO) in Geneva, but he failed. He again falsified his personal data to embellish his CV based on unfounded and false facts.

Likewise, a mention should be made of the following piece of information: on his way to obtain the current position in Munich Željko Topić allegedly used some mysterious circles in Budapest. It is not known if the convicted former Prime Minister of the Government of the Republic of Croatia, Dr. Ivo Sanader, also travelled with him on the same train with the “INA-MOL” file on his person.

On the eve of Croatia’s accession to the European Union an issue remains open if there is a corruption link between the structures of the Croatian state institutions, individual associations and the attorneys’ lobby. An investigation of this issue has been avoided to date by the Ministry of Justice, the Ministry of the Interior, the State Attorney’s Office (DORH) and the Anti-Corruption Office (USKOK), the bodies regulated by the Croatian Constitution to protect the legal order and legal security of the Republic of Croatia. It is a small wonder then that our country has been given such an unfavourable ranking in the international Corruption Perceptions Index according to the latest international surveys and that one of the main Croatian export products to be offered is the unacceptable carcinogenic and deviant social behaviour in the form of “intellectual corruption”.