

Final authority in Haar: International Court for Inventors

Photo caption: Courtrooms in Haar.

At the Boards of Appeal of the European Patent Office in Haar, justice is administered for the whole world. After initial resentment about the move out of town, the 150 legal experts have settled in well at Richard-Reitzner-Allee.

By Bernhard Lohr, Haar

Whether from London, Paris or Tokyo - no matter where the businessmen or lawyers come from: At the reception of the office building in Richard-Reitzner-Allee 8 in Haar, they are immersed in a familiar atmosphere of polyglot cosmopolitanism. On the counter, frequent flyers can read not only the **Süddeutsche Zeitung** but also **Le Monde** and **The Guardian**, as if they were in a well-run hotel or an airport lounge. In the corridors, people greet each other with "Bonjour" or "Servus".

Welcome to the world of the European Patent Office.

The organization, which has its headquarters in the Glockenbachviertel district in downtown Munich, is a global village. German, French and English are official languages that every employee knows. 38 contracting states support the authority, founded in Munich in 1972, which decides on patent applications for an economic area with 700 million people. As soon as a case is disputed, it now lands in Haar before one of the so-called boards of appeal. 150 lawyers have been working there since last fall and resolve 2,300 disputes a year. Patent attorneys and representatives of large companies fight it out to see who is awarded an innovation. It's all about innovation and big business.

Photo caption: The Haar instead of The Hague? Patent disputes are heard in courtrooms like this.

The fact that all this is now being heard in a suburb of Munich was not initially met with enthusiasm by the employees of the Boards of Appeal. In the high-rise building on the Isar, there were phases of turmoil. Some of the lawyers on the Boards of Appeal, who until then had worked only floors apart from those who grant patents, spoke of a deliberate demotion. The agency's management, however, claimed that the spatial separation of patent approval and adjudication was an overdue structural reform: more efficiency and independence for the judicial organ was desired.

In fact, the Boards of Appeal now located in Haar have a President who no longer reports to the President of the Patent Office himself, but directly to the Administrative Council of the member states. Haar is thus more than just an appendage. It stands confidently alongside other locations in Berlin, Vienna, Brussels or The Hague.

The Master of Eglfing-Haar

Carl Josefsson has also set up a spacious executive office in Haar. Even on the way to the President's office, it is clear that the Swede at Richard-Reitzner-Allee 8 is a confident boss when it comes to style. Leaving the reception behind and passing through the security gate with its body scanner, which every visitor has to pass through as if at an airport, one encounters works by renowned contemporary artists at every turn. A sculpture by Sylvie Fleury - a chrome-plated engine block of a Ford Cosworth - dominates the entrance area. And during the conversation in Josefsson's office, the topic soon turns to the opulent illustrated book lying on the table in a seating area next to Haar's municipal chronicle.

"Are you familiar with Eugen Gabritschevsky?" asks Josefsson.

Photo caption: Independent of the European Patent Office in Munich: Swede Carl Josefsson is president of the Boards of Appeal.

Without waiting for an answer the President starts telling the story of how, while waiting at an airport, he read an article in the October 2017 issue of the New York Review of Books describing this painter as the "Master of Eglfing-Haar." The scion of a family of Russian scientists, Gabrichevsky (1893 - 1979) studied biology and worked with Louis Pasteur and Robert Koch before falling ill with schizophrenia and being admitted as a patient to the Eglfing-Haar Sanatorium in 1931. It was there, over a period of three decades, that he later created his major works which can now be seen in Paris, Lausanne, and New York, bursting with bold colors and sometimes somberly imbued with a sense of death.

Josefsson came across this artist at the very time when he and his employees were becoming acquainted with their new workplace. It is located less than 400 meters away from the psychiatric clinic in Haar, which still exists today. And likewise right in the middle of a sports and leisure park. He feels comfortable in the green, quiet surroundings in Haar, says Josefsson, who celebrated his internal debut together with Mayor Gabriele Müller and invited guests in the autumn. "We've been very well received." Even the employees, some of whom posted bitter comments on internal forums about the new duty station being located next to a psychiatric clinic to vent their dissatisfaction about the move, have "settled in well," Josefsson says. What matters most to the boss is that "the move signals a new beginning."

After all, he says, it's about greater autonomy, efficiency and quality.

Problem with the train station

The new beginning in Haar was made more difficult by adverse conditions at the train station. When the Boards of Appeal moved in, reconstruction work on the northern platform access in Haar was in full swing. There were disruptions of service and the trains also ran with restrictions. For the work of the Boards of Appeal which - as a court with litigants from all over the world - has a large volume of public traffic, this was more than an inconvenience. "But that will come to an end," Josefsson says. Residual work is just now being completed, and then the station should present an attractive picture, to Josefsson's obvious relief.

Highest authority

The Boards of Appeal based in Haar are the first and last judicial instance in proceedings before the European Patent Office. Decisions have direct effect in the contracting states to the Patent Convention. The revocation of a patent cannot be reviewed by national courts. The members of the Boards of Appeal are independent in their judicial activities. In Haar, there are 28 Technical Boards of Appeal, the Legal Board of Appeal and the Enlarged Board of Appeal, chaired by President Carl Josefsson. To ensure uniform application of the law, a Board or the President of the European Patent Office may appeal to the Enlarged Board. Approximately 2800 cases are received per year; in the same period the Boards settle about 2300. In order to reduce the number of more than 9000 pending cases, the President has decreed more efficiency.

The proceedings of the Boards of Appeal are held in modern, green courtrooms. Interpreter booths are a reminder that the proceedings are taking place on an international stage. 212 employees, most of them lawyers, currently work in Haar; the number is expected to rise to 230 soon. And a further increase would be entirely in line with Josefsson's wishes. The possibility of further expansion in the buildings in Haar is a great advantage. Size is basically not a problem for Josefsson. If someone tells him that the whole of Europe comes in and out of his building, he corrects them by pointing out that it is the whole world.

What the judges decide in Haar develops normative force all the way to Africa or Asia. What the European Court of Justice in The Hague is in criminal law, Haar is, so to speak, in the field of patent law. Nowhere else in the world, they say confidently, are 150 judges, who do nothing but dispense justice in patent matters, to be found gathered under one roof. That is unique.