

Embarrassing Farce at the Patent Office

Photo:

NATIONAL PARLIAMENT: MINISTER DORIS BURES

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by Hanna Kordik

The head of the [Austrian] Patent Office, Friedrich Rödler, receives two salaries. And he's not thinking of giving them up. Infrastructure Minister Doris Bures is biting her teeth over the issue.

The Austrian Patent Office: 3263 inventions were registered here last year. *"We protect innovations,"* the office writes on its homepage, and quite rightly so.

And: *"Innovations are the basis and driving force of every economic system."*

There is absolutely nothing wrong with that either: Austria's economy – whatever condition it is considered to be in - can urgently use such driving forces. Friedrich Rödler, head of the Patent Office, agrees: "The Patent Office makes an important contribution to innovation," he says proudly.

And yet there is a problem which is not insignificant. Disputes. Not good at all.

"That kind of thing is only a distraction," says Rödler logically. *"The Patent Office needs to calm down."*

Unfortunately, it doesn't look like that's going to happen. And - irony aside - Friedrich Rödler hardly a neutral party in this.

In any case, the story is a highly irritating one for all concerned - although not free of bizarre elements. But in the end, it is so complicated that an amicable settlement is completely unthinkable.

It began in the summer of 2012, when an audit report on the Patent Office was published that was anything but favorable. The fact that the Patent Office had exceeded its budgetary targets over the years caused less of a stir. Such things are apparently part of good manners in Austria anyway. Instead, tempers flared over the outsourced company Servip.

It is responsible for providing services and information to patent office customers. For example, anyone who wants to know whether a product has already been registered as a patent or whether a trademark is protected in this country can turn to Servip with confidence.

Sounds good, and it is good, but not so much for Servip: The Court of Auditors stated that *"business development has been negative for years"*. Above all, however, it criticized duplication of activities between the Patent Office and Servip.

And this was when things started to get rough. It became public that Friedrich Rödler has been receiving a salary as managing director of Servip since 2005 in addition to his monthly salary as director of the patent office, which amounts to 8900 euros gross. In the case of Servip he receives a monthly salary of 6250 Euro gross.

This prompted the green parliamentary delegate Gabriela Moser to go with a statement of facts to the economic and corruption public prosecutor's office. But a man like Friedrich Rödler knows how to defend himself: He reported Moser for reputational damage - the trial begins on September 17.

Rödler considers himself to be on absolutely safe ground legally. This was also confirmed by the public prosecutor's office, as it were: the proceedings against him have been discontinued in the meantime. Rödler has two contracts: one as president of the patent office, one as managing director of Servip. *"And a contract is a contract,"* says Rödler. And with that the matter might be dismissed as audacious, but still legally watertight.

But it is not so simple. Because in the meantime, the Ministry of Infrastructure, to which the Patent Office belongs, has been properly alarmed. It is important to know that Friedrich Rödler was once a high-ranking employee of the same ministry - namely Secretary General under FPÖ Minister Hubert Gorbach. It was thanks to him that Rödler was allowed to move to the top of the Patent Office at the beginning of 2005. But Rödler was also well-liked under SPÖ Minister Doris Bures: his contract was extended three years ago.

Since then the ministry is likely to have regretted the decision bitterly. Rödler has been more than uncooperative in the matter of the double salary.

In the meantime, the ministry has had several expert reports prepared that classify Rödler's double salary as highly problematic. In response, Bures issued an instruction in June of this year: Rödler should refrain from receiving his Servip salary with immediate effect.

But he wouldn't dream of it: *"I have handed the matter over to my lawyer,"* he says dryly, *"and he has objected to the instruction."* Postscript: *"If the matter is really that important to the ministry, it will probably have to go to the Labor and Social Court."*

It must be admitted that the further strategy of the ministry remains unclear. In any case, the only sentence that can be elicited from the responsible section head, Christian Weissenburger, is: *"I do not comment on personnel matters."*

It's a pity - but quite understandable in view of the highly embarrassing affair. Especially in an election year.

And so we can only speculate about Friedrich Rödler's future career: Will he simply be let off the hook in order to finally bring peace? Will he be suspended because, as President of the Patent Office bound by instructions, he ignores a directive from the Minister? That is certainly possible.

But Friedrich Rödler doesn't care much about that either. *"I see no cause for concern there,"* he says. Because he would, of course, take legal action against such a suspension. Rödler is full of confidence: *"By the time that is adjudicated ..."*

Of course, that could take some time, and his contract only runs for another two years anyway. In any case, he takes the view that he is only bound by [ministerial] instructions as President of the Patent Office - and not as head of Servip.

There is no overlooking the fact that the matter is extremely tangled from a legal point of view.

But on one point at least there should be agreement: Rödler does not believe that his contract will be extended again in two years time. And no one is likely to bet against that.

Rödler shrugs: *"I'll be 61 years old by then, anyway."*

Personal details

Friedrich Rödler, born in 1954, has been President of the Austrian Patent Office since the beginning of 2005. He was previously an employee of the Austrian Court of Audit before holding the post of Secretary General in the Federal Ministry of Transport, Innovation and Technology for four years.

Original text in German at:

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