

Alexandre Benalla, bodyguard at Benoît Battistelli's school

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Alexandre Benalla was the bodyguard of Benoît Battistelli.

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Between two questions on his role at the Elysée, the senators evoked this Wednesday with Alexandre Benalla his passage as bodyguard of Benoît Battistelli, former president of the European Patent Office. A boss particularly criticized for his muscular management of personnel.

The senators interviewing Alexandre Benalla on Wednesday 19 asked him about his professional career and his position as bodyguard to Benoît Battistelli, president of the European Patent Office from 2010 to 2018.

Alexandre Benalla said he had "never spoken to Emmanuel Macron" or his chief of staff Alexis Kohler about the man he considers a "great servant of the state" who has "had excellent results". However, Benoît Battistelli has a sulphurous reputation that several senators have half-heartedly underlined.

See: **Senate: Benalla tries to exonerate himself as best he can**

The man - who can be proud of the figures achieved under his presidency - has indeed been accused of major abuses, of wanting to bring the unions to heel by radical means in order to achieve these objectives: a ban on employee organisations using the office's premises and even its messaging system, disciplinary proceedings against several staff delegates and even the creation of a competing union.

In addition to these criticisms, there was the denunciation of an authoritarian personality: 'He only sees incompetents and incapable people, but you can't be right all the time against everyone', explained a union representative to *Libération* in 2016. Several suicides that occurred after the appointment of Benoît Battistelli were also blamed on the infernal pace imposed by the new management in a highly competitive sector.

The senators therefore seem to have wanted to know what 'school' Alexandre Benalla attended, presented sometimes as a heavyweight, a 'Rambo' or a 'barbouze'. As for the need for the President of the European Patent Office to have a bodyguard, he is said to have hired six in the spring. The reason 2016.: someone cut the brakes on his bicycle in the Office's car park.

Riche cuisine à l'Office européen des brevets

Hors de tout contrôle, cet organisme peu connu mais richissime gère son personnel à l'ancienne.

IMAGINEZ une enclave « offshore » au cœur de l'Europe, une sorte de micro-Etat qui édicterait ses propres lois hors de tout contrôle. N'oubliez plus : elle existe ! L'Office européen des brevets (OEB) est une discrète mais richissime organisation internationale ne rendant de comptes à personne. Pas plus que son président, qui se trouve être un énarque français ! Depuis qu'il a pris la tête de l'OEB, en juillet 2010, Benoît Battistelli se conduit, d'après ses nombreux détracteurs, en véritable potentat. Sous son règne, l'Office serait devenu une sorte de Corée du Nord.

Sur le papier, pourtant, il fait bon travailler à l'OEB. Les 7 000 fonctionnaires, chargés d'enregistrer les brevets pour 38 pays, figurent parmi les mieux payés d'Europe. Plus de la moitié d'entre eux empochent un salaire mensuel moyen de 11 000 euros, net d'impôts ! Fondé il y a quarante ans, l'OEB, qui affiche un budget de 2 milliards d'euros, n'a jamais gagné autant d'oseille que sous la férule de Battistelli, lequel émarge pour sa part à 300 000 euros annuels.

La grève au piquet

On s'en doutait : l'argent ne fait pas le bonheur. L'année dernière, des salariés en colère ont manifesté devant le siège de l'Office, à Munich, contre les méthodes de management non brevetées de leur président. Du jamais-vu dans l'histoire de l'organisation. Le syndicat majoritaire Suepo avait auparavant signalé le suicide de quatre salariés, dont deux



sur leur lieu de travail. Comme par hasard, plusieurs représentants du Suepo ont alors écopé de procédures disciplinaires... Pour mieux museler la contestation, le président de l'Office, qui, à ses heures perdues, est conseiller municipal LR à Saint-Germain-en-Laye, a décidé de fermer le local syndical. Pris d'une brusque bouffée démocratique, l'énarque, qui arbore la Légion d'honneur, a également restreint le droit de grève.

Désormais, le syndicat désirant débrayer est d'abord prié de demander gentiment la permission à la direction, qui se charge alors d'organiser un scrutin. Pour que la grève soit autorisée, il faut qu'une majorité de salariés en vote le principe, avec un taux de participation d'au

moins 40 %, s'il vous plaît. Et, si, par miracle, la grève est autorisée, elle ne doit en aucun cas se prolonger pendant plus d'un mois.

Ce vendredi, la Cour de cassation des Pays-Bas tranchera sur la plainte pour « violation des droits fondamentaux contre le règlement du droit de grève » déposée par le Suepo, conseillé par l'avocat français William Bourdon.

Bercy pour tout

Du côté de Bercy, on s'agace furieusement d'une situation qui pourrait nuire à l'image de la France à l'étranger. Christophe Sirugue, le secrétaire d'Etat à l'Industrie, assure « regarder avec beaucoup d'in-

quiétude le climat social qui règne au sein de l'Office et qui s'est forcément dégradé au cours des deux dernières années ». Il a d'ailleurs soufflé dans les branches de Battistelli, mais ce dernier s'en cogne.

Avec ses six gardes du corps, son passeport diplomatique et sa plaque « CD » sur sa berline de fonction, il est bien plus puissant qu'un sous-ministre.

Un magot, des magouilles

Pour gouverner, le président de l'Office a recruté une dizaine de Français, dont près de la moitié viennent de l'Institut national de la propriété industrielle (Inpi), qu'il a dirigé de longues années durant. C'est avec eux qu'il gère à sa guise le magot de l'OEB. Une corne d'abondance qui aurait généré, en 2016, 560 millions d'euros d'excédents. Au sein du conseil d'administration, rares sont ceux qui se risquent à une question dérangeante.

« La seule chose qui compte pour les membres du CA, c'est que leur pays touche bien sa dime sur les brevets enregistrés par l'OEB », lâche, sous le couvert de l'anonymat, un fonctionnaire de l'organisation. Une manne annuelle de 500 millions d'euros. L'Allemagne, championne européenne des brevets, empoche à elle seule 150 millions d'euros chaque année. Pour avoir tapé du poing sur la table, la France, elle, a été mise à l'amende. Ses brevets en attente ont été illico remis au-dessous de la pile...

C'est ce qui s'appelle une méthode brevetée.

Christophe Labbé

EPO: It's like a family business

Posted in [Europe](#) , [Patents](#) , [Rumour](#) at 9:51 pm by Dr. Roy Schestowitz

Summary: Some more information about Elodie Bergot and Gilles Requena, who are married but also share positions of power at the EPO (as well as close links with EPO President Battistelli). The rumours at the EPO - which are also steadily increasing in circulation - are worth noting

The [EPO](#) is no ordinary institution. It is a profession and a public service, but it is difficult to take all this for granted. In [parts one](#), [two](#) and [three](#) of this series, we showed how Elodie Bergot, married to Battistelli's assistant, was magically promoted. When staff were shocked, the Battistelli team responded that a process that was not even transparent was certain to ensure the integrity of this promotion. Readers can make their own judgements and draw conclusions (if any) based on what we have shown, but today we provide some additional information on Gilles Requena.

"Mr Requena previously worked for Battistelli, then Director General of the French National Institute for Intellectual Property (INPI). Mr Requena joined the EPO in October 2010, a few months after Battistelli took office as EPO President in ^{er}July12010. "

Ms Bergot's husband is Mr Gilles Requena, who is a close assistant to Battistelli. Mr Requena previously worked for Battistelli, then Director General of the French National Institute for Intellectual Property (INPI). Mr Requena joined the EPO in October 2010, a few months after Battistelli took office as EPO President in ^{er}July1 2010.

Requena frequently accompanies Battistelli on his expeditions around the world to the IP offices of EPO member states and elsewhere: [Here](#) he can be seen as a member of the presidential entourage on a "state visit" to Liechtenstein. This is where the image on the right is cropped from .The

The photo on [this webpage](#) was taken during a visit to the IPO of the former Yugoslav Republic of Macedonia. An [English version of the accompanying text is available on the same site](#). This is the source of the image on the left. It is publicly available, so not a violation of privacy.

When you work for a *private* company where you are the founder, CEO or whatever, hiring a friend or family member may be generally dubious (frowned upon by staff) but not inherently offensive; when you do it in the public sector, however, you have a responsibility to the public (you already enjoy a **monopoly** so the hiring must be done only in the public interest. That is why people in such positions are usually called 'civil servants' - an ordinary and banal term which Battistelli has largely disgraced, especially when the context is the European Patent Office.

Shortly after taking office, Mr Battistelli assigned several of his former colleagues at the French Patent Office (INPI) to key positions within the Office. A few months ago, we reported that the 'inner circle' seemed to be growing, in particular around Elodie Bergot (PD4.3).

Our predictions are coming true. Nadja Lefèvre is one of Ms Bergot's personal assistants. Ms Lefèvre joined the Office on 15.03.2014 as "A3 Administrator". She was soon appointed as the person in charge of the "Administrative Services for Social Dialogue", i.e. the 100% staff representatives and secretaries. She was then appointed acting head of "Conflict Resolution". Finally, in June this year, the

The post of "Internal Communication" was added to this already impressive work programme. Since then, a vacancy notice has been published for a "Director of Strategic Human Resources Support and Change Management". Only internal candidates can apply. The new director "will lead a directorate... currently organised into three units: internal communication, conflict resolution unit and social dialogue administration". We would be extremely surprised if the successful candidate was someone other than Ms Lefèvre.

"The EPO likes selective transparency, which means that only those elements that make the EPO attractive while deliberately hiding the rest are publicly available."

When documents prove irregularities, it is called whistleblowing and whistleblowers usually enjoy some protection. It ensures justice and accountability within a self-serving system. To prevent documents from leaking on a regular basis, one must behave properly. In this case, leakers are not called whistleblowers. Unfortunately for Mr Minnoye, there is much more to come. Trying to prevent reporting is not a good idea, as the resulting backlash may be orders of magnitude greater than the *perceived* (and short-term) 'gain'.

According to the [EPO's own documents](#), Battistelli and VP1 (Minnoye) were in favour of accelerated examination for important "clients". To quote EPO documents: "The President and VP1 expressed the view that there should be closer contact between examiners and their applicants.

"For some people, the truth itself is a considerable threat."

It is becoming easier to understand why Mr Minnoye is not a big fan of the whole

"The EPO likes selective transparency. The EPO likes selective transparency, i.e. making public only those elements that make the EPO look good while deliberately hiding the rest.

Hacking attempts on Techrights tripled last week (an *all-time high*), with nearly a million attempts in just one week. It's hard to say who or what is behind this, but it certainly limits access to the server as it is a brute force attack. We are doing our best to counter this (fortunately we have the technical skills and experience), but sometimes this is not enough. We remind readers to help protect the right to inform the public, as these rights should never be taken for granted. For some people, the truth itself is a considerable threat.

"We often forget to appreciate something until we lose it. This is a fact of life. We tend to take many things for granted. We take many people for granted.

European Patent Office " LARGE DELIVERY OF PATENTS

Extract from the article published on 25 September 2010 on Numerama.com. The European Patent Office is on strike to denounce abuse Every year, the number of patents filed in Europe increases. While governments see this as a sign of healthy research, examiners at the European Patent Office are protesting and denouncing a boom that is detrimental to the quality of innovation, encouraged for purely financial and political reasons. Attacks on the abuse of intellectual property have been multiplying in recent years under the influence of free software lobbies, public interest groups, Internet users demanding the possibility of freely sharing works, organisations campaigning against the patentability of living organisms or in favour of relaxing the rules on the protection of drug molecules for the most disadvantaged countries. After more than a century of laissez-faire, where intellectual property has always been strengthened by international agreements (which they are still trying to do), the pendulum is now swinging in the other direction. In addition to the development of the Internet, which favours the development of alternative movements such as Creative Commons or GNU, which have a different vision of the protection of intellectual property rights, the geopolitical climate is also helping to reduce the weight of the industrial lobbies that are demanding ever greater protection. The emergence of new powers without a strong tradition of protecting intellectual property rights, such as China or India, or the "socialisation" of Latin America, are all contributing to the weakening of a system that has governed the creative economy in the countries of the North. And when the system is seizing up from within, when the worm is already in the apple, you can tell that things are really turning. Last Friday, patent examiners and other employees of the European Patent Office (EPO) demonstrated in the streets of Brussels in front of the European Commission, not to ask for a re-evaluation of their status or their salaries, but simply to ask for a reform of the patent system that would finally stop hampering innovation instead of encouraging it.

The strikers - most of whom are scientists - criticise the current system for favouring the granting of patents for anything and everything, by granting patents with tremendous largesse to anyone who applies for them. For example, despite the fact that patents on software are banned in Europe, the Office had already granted 30,000 patents in 2005 in anticipation of a reform that was eventually rejected. The number of patent applications is increasing every year. From 60,000 applications in 1990, 209,000 patents were filed in 2006. And the more patents there are, the greater the legal risk for innovative companies. Statistically, the chances of infringing a patent are multiplied by the number of granted titles in circulation. For fear of reprisals and lack of financial strength to acquire licences, small and medium-sized enterprises freeze their research and development work when they realise or fear that they are exploiting a patented process. Even though the validity of the patent would certainly be overturned in court in the event of a lawsuit, companies prefer to abandon their research rather than risk a very long and costly legal procedure,

which would lead them to bankruptcy before the end of the term. The reasons for this appalling laxity are many. First of all, under the current system, examiners take no risk in validating a patent, whereas they can be sanctioned if they reject an application that will eventually be accepted on appeal. Secondly, Europe and its member states have a direct interest in increasing the number of patents filed. To maintain the validity of a title, the inventor must pay thousands of euros in annual fees. The more patents are granted, the more royalties are collected. In 2007, patent offices across Europe collected 300 million euros in annuities, and they have already forecast revenues of more than 4 billion euros over the next few years from royalties on patents currently in force. Politically, the number of patents filed is also falsely used as an indicator of the good health of national research. "Take nanotechnology," complained Research Minister Valérie Pécresse in Capital magazine last week. "Our scientists published 3,526 times in 2006, more than the South Koreans (3,162 publications). But that year, the French filed 290 patents while the South Koreans filed 2,150, seven times more! Horror. For the companies themselves, the possession of an intellectual property title is a financial pledge which will be placed in the assets column on the balance sheet, which can be pledged to banks and which can support the request for financing from private investors or public institutions. It is to criticise this drift of the patent mechanism, whose legitimacy is perverted by the numerous abuses, that the Union Syndicale de l'Office Européen des Brevets (USOEB) has called for a demonstration in Brussels. More than 250 employees from Berlin, Munich, The Hague and Vienna gathered outside the European Commission. "The Administrative Council [of the EPO] is not acting in the interests of a quality European patent that strengthens the economy, science and innovation," the union said, criticising the over-representation of members of national patent offices on the EPO Council. "Since many of the latter are financially dependent on the fees resulting from the work of the EPO, the decisions taken by the EPO Administrative Council are influenced by the interests of the national patent offices and the aspiration to grant as many patents as possible," the USOEB criticises. "The constant search for quantity at all costs has been compromising the quality of patents for years". The union is asking Nicolas Sarkozy, who holds the presidency of the European Union, to encourage a reform of the distribution of powers within the EPO, which would allow it to influence decisions and move from a quantitative to a qualitative policy. "We need to invest in scientific and legal know-how, especially that of patent examiners, and allow sufficient time for the examination of increasingly complex applications," the strikers demanded.

The social climate within the O.E.B. is

unhealthy. The social climate at the intergovernmental agency, headed by an increasingly controversial **Montebourg**, is not good. On the eve of a key board meeting, **Montebourg** called for an external audit of the social situation. It is an institution with the appearance of a micro-state, little known to the general public, whose management is giving rise to increasing concern. The list of grievances against the management of the European Patent Office (EPO), an intergovernmental agency that employs nearly 7 000 people, has been growing for two years: restrictions on the right to strike, obstacles to trade union activity, and the suspension of certain employees who disagree with the official line. The tensions are such that national and European MPs in Italy, France and Luxembourg have begun to raise the alarm.

trade unionists, denouncing what they consider to be "managerial practices from another age". At the head of the institution, Benoît Battistelli, a 63-year-old French enarque, has been in office since 2010 and is causing controversy. Internally, some compare his style to that of "African dictators", according to a harsh portrait of him in the daily Die Zeit in March. The EPO is holding an Administrative Council meeting on Wednesday and Thursday at its site in The Hague, Netherlands, and Battistelli is hoping to obtain an implicit extension - for three years - of his current mandate, which ends in June.2015.

The angry employees planned to hold a demonstration outside the site, for want of anything better (a strike was originally planned, but management preferred to postpone the internal vote needed to hold it). Their slogan: "EPO staff have the right to the same rights as European citizens. "Battistelli ignores us, he crushes us, he forces his way through all the files," denounced one of the trade unionists, speaking on condition of anonymity, for fear of internal reprisals. The agency's only union, Suepo, claims to have nearly half the employees on board. It won 38 of the 44 posts at stake in the elections for staff representatives on 18 June, but it claims to be systematically excluded from the agency's decision-making on social management. For his part, Benoît Battistelli - who is also a UMP town councillor in Saint-Germain-en-Laye - says he has been "the victim for months of a smear campaign and an attempt to destabilise". Contacted by Mediapart, he contests point by point the reproaches addressed to him, and recalls that he was elected by the board of directors, four years ago, "with a very clear mandate, that of modernising the office". Benoît Battistelli, President of the European Patent Office. EPO From a strictly accounting point of view, Battistelli's balance sheet is rather flattering: the EPO is a machine that runs smoothly and is profitable, with a turnover of two billion euros per year and no fewer than 270 000 patent applications processed last year (for 67 000 patents granted). Even though the agency is not officially linked to the European Union - it has a total of four 38member states - it has become a central cog in the wheel of industrial policy on the continent. And its ultra-qualified employees (including French1200) have nothing to complain about: not counting the social benefits linked to expatriation, and their à la carte pension, the average salary exceeds the 7,000 euro mark, if we are to believe this official report on the 2012 financial year. Director of publication: Edwy Plenel www.mediapart.fr 2 2/3 But this undeniable comfort does not prevent tensions. For the EPO, like any other intergovernmental agency, has the power to define its own statutes and operating rules, outside of any national legislation. The only constraint is that it must comply with a number of major principles laid down by the International Labour Organisation (ILO) and conform to the case law of the ILO tribunal. Since the end of Battistelli2012,'s term, the unions have accused him of having taken advantage of his total sovereignty to muzzle any form of internal protest and to organise an **opaque management system in favour of himself**. One of the most sensitive points concerns the weakening of the right to strike. After obtaining the green light from the board of directors in June 2013, giving him carte blanche in this area, the president tightened up the criteria via a circular: from now on, a trade union or a group representing at least 10% of the employees must request the management in advance.

It then organises an internal ballot on the principle of a strike, which must be approved by at least 50% of those voting (with a participation of at least 40% of employees), for the strike to be authorised. The circular also states that the strike called cannot last longer than one month.

"We are in a situation where a French director of the office is putting in place texts that would be forbidden in his country... In France, there is an individual right to strike. In France, there is an individual right to strike. This is no longer the case at the EPO," worries a trade unionist. Battistelli, for his part, accepts this new legislation: "Before I arrived, there were no rules governing the right to strike, so people were on strike for years on end, two hours on Fridays, three hours on Tuesdays... This situation could no longer continue. He added that

"Since then, there have already been seven or eight days of strikes, which proves that the right to strike has not been reduced at all. Montebourg wants an independent audit Another decision that is not going down well at the office: it is now forbidden to send an email from one's professional mailbox to more than fifty recipients, a way, for management, of curbing internal trade union communication. Here again, the EPO boss assumes: "The mailbox is a professional tool, it's not designed to receive e-mails. We used to receive

almost one a day. A professional email is not meant to receive trade union documentation. However, he defends himself: "I totally reject the idea that freedom of expression is restricted within the EPO. In the same vein

In addition, a dozen union or staff representatives have been sanctioned in recent months, measures considered 'iniquitous' by the unions, while the president has placed his closest relatives, all French, in key positions in the institution. Benoît Battistelli is also being challenged internally for blocking any proper investigation into two cases of employee suicides, one in 2012, the other in 2013. On both occasions, management cited the 'functional immunity' enjoyed by such international institutions, cutting off any investigation by Dutch labour authorities. The most recent of the two suicide cases, however, took place in the workplace: an employee threw himself out of the window of one of the buildings in The Hague. People are trying to blame me for suicides," Battistelli says indignantly. There are 7,000 of us at the EPO. If you take the usual ratios of suicides, I don't think there is anything exceptional.

Despite this extremely tense social climate, the members of the Administrative Council are not expected to oppose the reappointment of the Frenchman at the head of the Office. This board is composed of representatives of the 38 Member States (the list is here), including France. Arnaud Montebourg, the minister in charge, was alerted in February to the internal social situation at the EPO by a letter from the PS MP Philip Cordery (see his article on Mediapart published on Tuesday). On the side of the ministry, where they refuse to say whether or not they will support the extension of Battistelli's mandate, the analysis is in two parts. First, a Director of Publication: Edwy Plenel www.mediapart.fr 3 3/3 principled support for one of the most sulphurous points of the current social reforms: the restrictions on the right to strike. "It is true that French law is more demanding, but it must be understood that the EPO is an agency composed of 38 member states, and it is therefore the result of a compromise, compatible with the principles of the International Labour Organisation. In any case, until now there was no legal basis for this right to strike, so it's better than before," says Arnaud Montebourg's office. The ministry is also preparing to propose, through its representative, an "external audit of social relations" within the office. There is no guarantee that it will be followed by a majority within the board, but the project, if confirmed, could still complicate some of Benoît Battistelli's projects. Benoît Battistelli, at a conference in Brussels in September 2013, with Michel Barnier and Antonio Campinos (OHIM). European Commission. There is one discreet player in the face of these social tensions: the European Commission. Admittedly, the EPO is totally independent of the Union, in accordance with its statutes. But the European Commissioner for the Internal Market, Michel Barnier, should still be concerned, as he pushed for the creation of a single European patent, which he finally obtained in 2013 after years of gruelling negotiations in Brussels... Because it is the EPO that will be responsible for issuing these European patents, and will become the armed wing of an entire section of industrial policy in Europe. Contacted by Mediapart, Michel Barnier's services are also cautious. "The Commissioner believes that workers' rights must be respected and that it is essential to ensure genuine social dialogue," explains the former French minister's spokesperson, without surprise, before recalling that "relations between the EPO and the Commission are not governed by any formal agreement. Clearly, the committee 'is not in a position to evaluate the content of press articles reporting on changes to the office's internal regulations', and only plays an observer role in the administrative boards. But how long can the EU executive be satisfied with this observer role if it continues to bet so heavily on the EPO in the years to come?"

The O.E.B. inaugurated its new premises in The Hague (27.06.18)

The European Patent Office (EPO) today inaugurated, in the presence of His Majesty King Willem Alexander of the Netherlands, the new main building at its site in Rijswijk, near The Hague, at a ceremony hosted by EPO President Benoît Battistelli. Designed by the renowned architects Ateliers Jean Nouvel (Paris) and Dam & Partners Architecten (Amsterdam), this landmark building combines bold contemporary architecture with sophisticated modern infrastructure. It was built by a Dutch consortium of the TBI Group, consisting of J.P. van Eesteren and Croonwolter&dros.



EPO President Benoît Battistelli, His Majesty King Willem-Alexander of the Netherlands, President-Elect of the EPO António Campinos, Jean Nouvel, architect, Diederik Dam, architect @Frank van Beek for the European Patent Office
Some 350 local and international guests attended the opening ceremony. Among them were members of the diplomatic corps, representatives of the 38 EPO Member States and international organisations, as well as high-level representatives of local and national institutions and authorities. In a symbolic act marking the inauguration of the premises, His Majesty King Willem-Alexander of the Netherlands signed the EPO's Golden Book.

Entirely financed by the EPO's own resources and built in four years, the new building represents the organisation's largest investment in the Netherlands in its 40-year history. It is the flagship of the EPO's Dutch site, which currently employs almost a thousand staff³⁰⁰⁰, making it the largest international organisation domiciled in the Netherlands.

*"This building symbolises the EPO's commitment to innovation for the **benefit of European citizens and the competitiveness of the European economy**. The building by Jean Nouvel and Diederik Dam, with its impressive silhouette in the urban landscape of Rijswijk, gives a boost to the economy of the Hague region. It is also representative of our commitment to the long-standing relationship between the EPO and the Netherlands," said EPO President Benoît Battistelli. "This exceptional building provides our staff on site with an environmentally sustainable workplace and deserves recognition for all those who worked hard to make it happen. We are confident that these new premises also mark the beginning of a new era for our agents in the Netherlands and for the users of the European patent system as we strive to modernise the EPO to provide state-of-the-art services of an increasingly high quality."*

The new building replaces the existing tower, which was inaugurated in 1973 and housed the offices of most EPO staff in Rijswijk as well as the International Patent Institute (IPI), the EPO's predecessor. At 107 metres high, 156 metres long and 24.7 metres wide, Jean Nouvel and Diederik Dam's elegant, slender and transparent creation has a façade that reflects the sky and blends in perfectly with the Dutch landscape.

Speaking at the opening, architect Jean Nouvel said: *"I am delighted to witness the completion of the New Main building, a building that was created with a shared vision of innovation. Despite the challenges*

We are proud to be able to present to you today in The Hague the fruits of the extraordinary efforts of our teams.

Architect Diederik Dam added: "Our mission for the New Main building was to combine modern architecture with environmental sustainability. Four years after the foundation stone was laid, I am proud that this building has come into being. Every detail of this new building takes advantage of energy efficient technologies to reuse resources and reduce consumption. In fact, we have taken natural elements such as vegetation, water and light into consideration as essential data.

The building has many special features: it has a double glass façade which plays a key role in the climatic concept of the building and houses hanging gardens containing 300 different plant varieties. Extensive arrays of photovoltaic solar panels on the green roof serve as the main power source for renewable electrical energy distributed throughout the building, and the aquifer thermal energy storage system reduces primary energy consumption and corresponding CO₂

The building, where some staff 2000 will work, is equipped with the necessary facilities to accommodate the state-of-the-art technical infrastructure required to implement the patenting process in European countries. The beneficiaries of this new structure include inventors and their representatives / patent attorneys who attend oral proceedings before the EPO in connection with the examination of their patent applications. On average, up to three 3000 oral proceedings are held each year.

This building is part of the long series of reforms undertaken by the EPO in 2010 to prepare the Office for the challenges of tomorrow: over the last ten years, applications for protection covering the whole of Europe and the demand for the services provided by the EPO have increased sharply, necessitating an internal reorganisation of which the policy of modernising the EPO's buildings is just one reflection. The New Main building allows the EPO to benefit from greater synergies between its operational units at the Rijswijk site by housing them in three interconnected buildings and to provide better services to EPO users. The overall renovation of the site is expected to be completed in 2020, following the demolition of the old tower and landscaping works.

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Maximum social tension in the European Patent Office

BY LUDOVIC LAMANT

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The social climate at the intergovernmental agency, headed by an increasingly controversial Frenchman, is not good. On the eve of a key board meeting, Montebourg called for an external audit of the social situation.

It is an institution with the appearance of a micro-

state, little known to the general public, whose management is causing increasing concern.
Restrictions on the right to

The list of grievances against the management of the company includes strikes, obstruction of trade union activity, suspension of certain employees who disagree with the official line, etc.

The European Patent Office (**EPO**), an intergovernmental agency with a staff of almost one million, has been growing steadily for the past two years.

The tensions are such that national and **European** MPs in **Italy**, **France** and Luxembourg have begun to relay the repeated warnings of trade unionists, denouncing what they consider to be

It is a question of "managerial practices from another age". The head of the institution, Benoît Battistelli, a French enarque, has been in office since then 63 and has caused 2010, controversy.

Internally, some compare his style to *"that of African dictators"*, according to the harsh portrait **devoted to him by** the daily *Die Zeit* last March.

The EPO is holding an Administrative Council meeting from Wednesday to Thursday at its site in The Hague, Netherlands.

Netherlands, and Battistelli hopes to obtain an implicit extension - for three years - of his current mandate, which ends in June 2015. The deal looks good, despite internal social tensions. The employees

(A strike was originally planned, but management preferred to postpone the internal vote needed to hold it). Their slogan: *"EPO staff have the right to the same rights as European citizens."*

"Battistelli ignores us, he crushes us, he forces his way through all the files", denounces one of the

The only union in the agency, Suepo, claims to have almost half of its employees on board. The agency's only union, **Suepo**, claims to have nearly half the employees as members. It won 38 of the 44 posts at stake in the elections for staff representatives on 18 June, but it claims to be systematically excluded from the agency's decision-making on social management.

For his part, Benoît Battistelli - who is also a UMP town councillor in **Saint-Germain-en-Laye** - said

he *had been "the victim for months of a smear campaign and an attempt to*

destabilization'. Contacted by Mediapart, he contests point by point the reproaches addressed to him, and recalls that he was elected by the board of directors, four years ago, *"with a very clear mandate, that of modernising the office"*.

Benoît Battistelli, President of the European Patent Office. EPO From a strict accounting point of view, the balance sheet of Battistelli is rather flattering: the EPO is a well-

functioning, profitable machine, with a turnover of two billion euros per year, and no less than

270 000 patent applications processed last year (for patents 67000 granted). Although the agency is not officially linked to the European Union - it has **38 member states** in all - it has become a central cog in the wheel of industrial policy on the continent. And its highly qualified staff (including 1,200 French people) have nothing to complain about: not counting the social benefits linked to expatriation and their à la carte pension, the average salary exceeds the 7,000 euro mark, according to **this official report** on the 2012 financial year.

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But this undeniable comfort does not prevent tensions. For the EPO, like any other intergovernmental agency, has the power to define its own statutes and operating rules,

outside any national legislation. The only constraint is that it must comply with a few major principles laid down by the International Labour Organisation (ILO), and conform to the case law of the ILO tribunal. Since the end of 2012, Battistelli has been accused by the unions of having taken advantage of his total sovereignty to muzzle any form of internal protest and to organise an opaque management system in favour of himself.

One of the most sensitive points concerns the weakening of the right to strike. After having obtained the green light from the board of directors in June 2013, giving him carte blanche in this matter, the president tightened up the criteria, via a circular: it is now necessary for a trade union, or a group representing at least %10 of the workforce, to be able to strike.

of the employees, asks the management in advance.

The latter then organises an internal vote on the principle of a strike, which must be approved by at least %50 of the workforce.

of voters (with a participation of at least 40% of employees), for the strike to be authorised. Another clarification in the circular is that the strike called in this case cannot exceed one month.

"We are in a situation where a French director of the office is putting in place texts that would be forbidden in his country... In France, there is an individual right to strike. In France, there is an individual right to strike. This is no longer the case at the EPO," worries a trade unionist. Battistelli, for his part, assumes this new legislation: *"Before I arrived, there were no rules*

governing the right to strike, so people were on strike for years on end, two hours on Fridays, three hours on Tuesdays... This situation could no longer continue. He added that "since then, there have already been seven or eight days of strikes, which proves that the right to strike has not been reduced at all.

Montebourg wants an independent audit

Another decision that is not going down well at the office: it is now forbidden to send an e-mail from one's office.

This is a way for management to curb internal trade union communication. Here again, the EPO boss assumes: *"The mailbox is a professional tool, it's not meant to receive maximails. We used to receive almost one a day. A professional email is not meant to receive trade union documentation.*

"However, he defends himself: *"I totally reject the idea that freedom of expression is restricted within the EPO.*

In the same vein, a dozen union or staff representatives have been sanctioned in recent months, measures considered 'unfair' by the unions, while the President has placed **his closest relatives**, all French, in key positions in the institution. Benoît Battistelli is also being challenged internally for blocking any proper investigation into two cases of employee suicides, one in 2012, the other in 2013. On both occasions, management cited the *"functional immunity"* enjoyed by such international institutions, cutting short any investigation by Dutch labour authorities.

The most recent of the two suicide cases, however, took place in the workplace: an employee threw himself out of the window of one of the buildings in The Hague.

They are trying to blame me for suicides," Battistelli says indignantly. *There are 7,000 of us at the EPO. If you take the usual ratios of suicides, I don't think there is anything exceptional about it.*

Despite this extremely tense social climate, the members of the Administrative Council are not expected to oppose the reappointment of the Frenchman at the head of the Office. The Board is composed of representatives of the 38 Member States (***the list is here***), including France.

Arnaud Montebourg, the minister responsible, was alerted in February to the internal social situation at the EPO by a **letter** from the PS MP Philip Corderoy (***read his article on Mediapart published on Tuesday***).

The Ministry refuses to say whether or not it will support the extension of the mandate of Battistelli, the analysis is in two parts. First, a *Director of Publication: Edwy Plenel*

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support in principle for one of the most sulphurous

points of the current social reforms: the restrictions
on the right to strike. *"It is true that the*

French law is more demanding, but it must be understood that the EPO is an agency composed of 38 Member States, and it is therefore the result of a compromise, compatible with the principles of the International Labour Organisation. However, until now there has been no legal basis for this right to strike, so it is better than before

"The cabinet of Arnaud Montebourg believes that this is the case.

The Ministry is also about to propose, through its representative, an *"external audit of social relations"* within the Office. There is no guarantee that this will be followed by a majority in the Board, but the project, if confirmed, could still complicate some of Benoît Battistelli's projects.

Benoît Battistelli, at a conference in Brussels in September 2013, with Michel Barnier and Antonio Campinos (OHIM). *European Commission*.

There is one discreet player in the face of these social tensions: the European Commission. Admittedly, the EPO is totally independent of the Union, in accordance with its statutes. But the European Commissioner for the Internal Market, Michel Barnier, should still be concerned, as he pushed for the creation of a single European patent, **which he eventually obtained** in

2013, after years of gruelling negotiations in Brussels... Because it is the EPO that will be responsible for the granting of these European patents, and will become the arm of a whole section of industrial policy in Europe.

Contacted by Mediapart, Michel Barnier's services are also cautious. *"The commissioner believes that workers' rights must be respected and that it is essential to ensure genuine social dialogue,"* explains the former French minister's spokesperson, without surprise, before recalling that "

the relationship between the EPO and the Committee is not governed by any formal agreement". Clearly, the Committee *"is not in a position to assess the content of press articles reporting on changes to the EPO's internal rules"*, and only plays a role in the preparation of the report.

observer role in the Administrative Boards. But how long can the EU executive be satisfied with this observer role if it continues to rely so heavily on the EPO in the years to come?

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