

**CA/103/09**

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Munich, 05.06.2009

SUBJECT: Preparations for the election of the President of the Office

SUBMITTED BY: Chairman of the Administrative Council

ADDRESSEES: Administrative Council (for decision)

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SUMMARY

The President's term of office ends on 30 June 2010. This document contains a proposal for preparing and conducting the election of her successor.

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## **I. EXPLANATORY MEMORANDUM**

The post of President of the European Patent Office falls vacant on 1 July 2010 on expiry of the term of office of Alison Brimelow, who has informed the Administrative Council that she will not be seeking an extension.

This document contains proposals, in the form of a decision, for:

- opening the proceedings
- the designation procedure
- a draft vacancy notice.

## **II. DECISION**

The Administrative Council hereby opens the proceedings for electing a new President of the European Patent Office as follows:

1. The vacancy notice below shall be published on the Office's website on 1 July 2009 and in its Official Journal of ... 2009. Subsequent proceedings shall be confidential (C procedure).
2. The complete application files of the candidates shall be sent to the Chairman of the Administrative Council to arrive by 15 September 2009 (date of receipt by the Council Secretariat). They shall be submitted in one of the Organisation's official languages. They shall include a curriculum vitae showing nationality of at least one contracting state, official confirmation of that state's support, and a letter of motivation. The submission of any further items with a view to clarifying and supporting the application shall be at the candidate's discretion.
3. The names of the candidates shall be forwarded to the delegations without delay, with an indication of any which fail to meet the formal conditions of point 2.
4. The complete files of candidates meeting the formal conditions of point 2 (henceforth "qualified candidates") shall be translated into the Organisation's three official languages and forwarded to the delegations by 6 October 2009.
5. At its meeting in October 2009 the Administrative Council shall hear the qualified candidates individually. It shall then deliberate and thereafter shall conduct the designation procedure in the following form:
  - Designation shall proceed by secret ballot.

- In the first and second rounds of voting, the delegations may vote for any qualified candidate.
  - As from the third round of voting, the qualified candidate receiving the fewest votes shall be eliminated; in the event of a tie for last place, no qualified candidate shall be eliminated.
  - The qualified candidate who achieves the necessary three-quarters' majority shall be designated.
6. The Council Chairman shall schedule the voting to allow time for any consultation required.
  7. The Council may at any time decide by a simple majority to suspend voting for the current meeting and resume it at the next.
  8. The Council may at any time decide by a three-quarters' majority to terminate the procedure and to adopt a new procedure, to be applicable immediately.
  9. At its meeting in October 2009, the Council shall establish the general framework of the contract to be offered to whoever is designated as a result of the procedure.

### **III. VACANCY NOTICE**

1. The post of President of the European Patent Office falls vacant on 1 July 2010.
2. The President manages the Office, under powers laid down in the European Patent Convention (Article 10 EPC).
3. Candidates must have a diploma of completed studies at university level, proven high-level management experience, knowledge of the three official languages of the European Patent Organisation and a good command of at least two of them. Their past career in the private or public sector must give evidence of:
  - in-depth understanding of the patent system and of the needs of an international organisation
  - thorough knowledge and proven practical application of modern management methods
  - a genuine aptitude for communication, negotiating skills and the ability to make their opinions count.

Practical experience in patent matters and knowledge of the European Patent Organisation would be an advantage.

4. The complete application files of the candidates must be sent to the Chairman of the Administrative Council to arrive by 15 September 2009 (date of receipt by the Council Secretariat). They must be submitted in one of the Organisation's official languages. They must include a curriculum vitae showing nationality of at least one contracting state, official confirmation of that state's support, and a letter of motivation. The submission of any further items with a view to clarifying and supporting the application is at the candidate's discretion.
5. The appointment will be made by the Administrative Council, in a decision taken under Article 11(1) EPC (the applicable majority being three-quarters of the votes of the contracting states represented and voting, in accordance with Article 35(2) EPC).
6. The term of office is five years, and it may be renewed. The conditions of contract are subject to negotiation between the successful candidate and the Chairman of the Administrative Council, within a framework set by the Council.