

INTERNATIONALE GEWERKSCHAFT IM EUROPÄISCHEN PATENTAMT



STAFF UNION OF THE EUROPEAN PATENT OFFICE

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Interview with Professor Joseph Straus

1) What, in your view, were the most important values and ideas underlying the EPO's foundation and helping to ensure its success?

Professor Straus: The basic idea was to create a centralised system in Europe to grant patents meeting agreed criteria and valid in the contracting states. The EPO's good work – in search, examination, opposition and appeal – has made it what it is today.

2) Do the same basic principles still apply today, or does the system – and the EPO – need to change?

Professor Straus: I do not think these fundamental principles have changed. The EPO's core task remains the grant of European patents in closest possible accord with the EPC. If specific EPC provisions are clearly not working properly, the EPO's job is to point this out and prepare any updating and revision which may be needed.

3) What should the relationship between the EU and the EPO look like?

Professor Straus: The plan since 1975 is for the EPO to grant Community patents, but until this comes about I see no reason for the relationship between the EU and the EPO to change. The EPO is a Co-ordinated Organisation under international law, with a clear mandate laid down in the EPC and circumscribed by the "implied powers".

4) What do you think about the idea of a European Patent Network (EPN)?

Professor Straus: As a non-practitioner, I decline to offer a view on that. But even the informed layman must see that work-sharing with the contracting states' national patent offices can be entertained only if institutional safeguards are in place to ensure that the quality of granted patents does not suffer.

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