

26 November 2009

For the attention of all ministers in charge of intellectual property of the member states of the European Patent Organisation

Re: Presidential elections at the European Patent Office.

Dear Madam,

The Staff Union of the European Patent Office (SUEPO) is concerned about the recent failure of the Administrative Council of the European Patent Organisation (EPO) to elect a successor for the outgoing President of its executive body, the European Patent Office (Office), Ms. Alison Brimelow.

The Office, with an international staff of 7000, has an important task in supporting the European economy and should not be left without leadership.

First, the future transition towards the task of handling the upcoming Community patent, a still unfinished cornerstone of the Lisbon agenda process, requires a leader who has proven track record of supporting this process and will ensure that the European Patent Office is the key provider of search and examination of the Community patent.

Secondly, the recent "shared" mandate for Ms Alison Brimelow and her predecessor, Mr Alain Pompidou, was a compromise resulting from the failure to agree on *one* candidate. This has been instrumental in depriving the EPO of the long-term perspective it needs to support effectively not just major players, but also smaller European innovators, in the context of the EU Commission's policies for innovation, competition and growth.

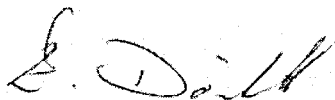
Thirdly, the election procedures within the Administrative Council have to date not inspired confidence in its governance structures. It is purported that two candidates submitted in the course of the October meeting of the Administrative Council a proposal to "share" the Presidency of the Office and the Chairmanship of the Administrative Council. This would put into question the very principle of the separation of powers between the legislative and the executive, and justify scrutiny and challenge of the profiles and motivations of the candidates.

Reconciling the mandate of the European Patent Convention with current EU-initiatives appears to create a conflict of interest for a further candidate in view of his declared opposition to the Community patent.

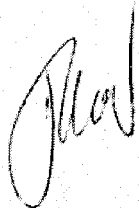
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A second attempt to elect a President of the European Patent Office will take place during the Administrative Council meeting of December. We therefore respectfully request that you take all necessary steps to ensure that an appropriate profile on the motivation of potential candidates is drawn up as a basis for sound decision-making in this meeting. Failure to do so risks jeopardizing the EU's Lisbon agenda together with the Community patent, and further depriving the EPO and the citizens of Europe of the long-term perspective and predictable policy-making and implementation they need.

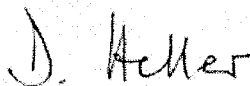
Yours sincerely,



Edward Daintith
Chairman SUEPO Central Executive Committee



Desmond Radford
Chairman SUEPO The Hague



Dorothee Heller
Chairwoman SUEPO Munich



Carmen Schuhmann
Chairwoman SUEPO Vienna



Peter Kempen
Chairman SUEPO Berlin

- c.c. Mr H. van Rompuy, Permanent President-elect of the European Council
Mr J. Barroso, President of the European Commission
Mr J. Buzek, President of the European Parliament
Mr A. Casado, acting Chairman of the Administrative Council of the European Patent Organisation
Ms A. Brimelow, President of the EPO
Mr B. Battistelli
Mr R. Grossenbacher
Mr J. Kongstad
Ms S. Sivborg