

European Patent Office | 80298 MUNICH | GERMANY

Administrative Council of the European
Patent Office
c/o Mr Jesper Kongstad, Chairman

ISAR R.217

European Patent Office
80298 Munich
Germany

Central Staff Committee
Tel. +49 (0)89 2399 - 4355
Fax +49 (0)89 2399 - 8470
mnstcom@epo.org

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Open letter

Re: Election of the President of the European Patent Office

Dear Mr Kongstad,

After the President of the EPO, Ms Alison Brimelow, announced that she would not be seeking another term of office, the Administrative Council failed in two successive regular meetings to elect a new President from amongst the 4 qualified candidates. It is now planned for the procedure to continue at an extraordinary Council meeting on 2 and 3 February 2010.

The current election process is unique in the history of the EPO in that all four of the initial candidates are Members of the Council and Heads of their national delegations. In addition, 3 out of 4 were prominent members of the Council, namely its previous long-term Chairman (Mr Grossenbacher), his successor in that function (Mr Battistelli) or, in your case, Vice-Chairman of the Council.

You have since withdrawn your candidacy and have been reinstated as deputy Chairman of the Council. Given that Mr Battistelli is still a candidate, this means that you will be chairing the extraordinary meeting on 2 and 3 February.

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Grasserstr. 9
80339 Munich
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We note, however, that in the October 2009 Council meeting Mr

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Battistelli and you submitted a statement to the Council delegations in which you proposed a joint presidency with Mr Battistelli as President of the EPO and yourself as Chairman of the Council, as well as a joint program for the next presidency (see annex).

To pre-empt any challenge to the outcome of the procedure, we see it as essential to observe the convention that anyone holding an election in which he or she is or was as a candidate, and / or closely associated with a candidate, cannot be involved as the judge. We would therefore be grateful if you would clarify the procedure and the composition of the selection board for the next President of the EPO.

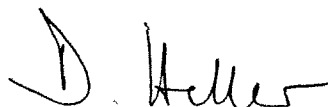
Yours sincerely,



Edward Daintith
Chairman Central Staff Committee



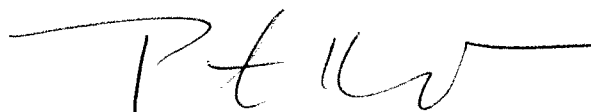
François Basty
Chairman
Staff Committee Vienna



Dorothee Heller
Chairperson
Staff Committee Munich



Giovanni Denicolai
Chairman Staff Committee The Hague



Peter Kempen
Chairman Staff Committee Berlin

cc.: Ms A. Brimelow, President of the EPO

Encl.