

Zentraler Vorstand . Central Executive Committee . Bureau Central

Mr Nicolas Sarkozy
President of the French Republic
Palais de l'Elysée
55, rue du Faubourg Saint-Honoré
75008 PARIS
FRANCE

Vienna, 9 May 2008
su08057cl - 2.04.6b/2.23.2

Subject: Governance of the patent system in Europe

Sir,

In a few weeks, France will assume the rotating presidency of the Council of the European Union. The French government has already said it wants to make progress on the Community patent, building on the efforts of the current Slovenian presidency. We welcome that. Implementing this project will require the support of EPO staff, who – highly committed to the European idea – stand ready to intensify the major contribution they already make to promoting innovation and economic, social and environmental progress in Europe. However, most EPO staff believe that this plan cannot be implemented effectively under the existing governance system.

The Administrative Council of the European Patent Organisation is mainly composed of heads of national patent offices. The conflict of interest inherent in being both head of a member-state delegation and in charge of a national office was identified very early on in our organisation's thirty-year history, but is now becoming so serious as to pose a threat to its future¹. We hope the Community's accession to the European Patent Convention (EPC) will help to clarify the role of heads of national delegations, but deeper reflection on this issue is essential.

We suggest that the EU Council, at your instigation, should initiate a general study on the governance and financing of industrial property in Europe. These governance problems have already been highlighted at national level (in France's case, for example, by the Piéta², Levy-Jouyet³ and MEDEF⁴ reports). A European study could synthesise the various national ones and make recommendations for the EU presidency.

¹ See CA/93/07 "Governance of the EPO; a staff perspective" (annexed) – which the Administrative Council refused to discuss.

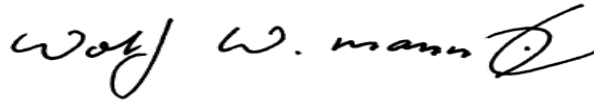
² "Quel système de propriété intellectuelle pour la France d'ici 2020";
http://www.cawa.fr/IMG/pdf/Rapport_PIETA_2006.pdf

³ "L'économie de l'immatériel";
http://www.finances.gouv.fr/directions_services/sircom/technologies_info/immateriel/immateriel.pdf

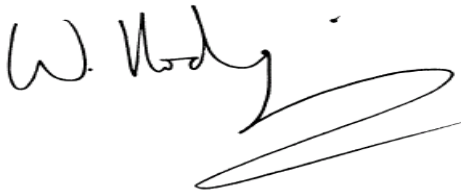
⁴ "Manifeste pour les brevets"; http://www.medef.fr/site/core.php?pag_id=23548

Whilst wishing to see the Community patent implemented rapidly – as the best way of promoting innovation and thereby boosting employment in Europe – we are sure you will understand why we have taken this step of writing to you, and venture to hope that favourable consideration can be given to our request.

Yours faithfully,



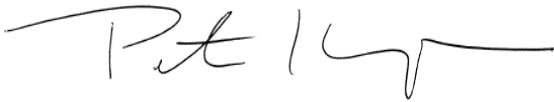
Wolfgang Manntz
Central Chairman, SUEPO



Will Hodgins
Chairman, SUEPO Munich



Jesús Areso y Salinas
Chairman, SUEPO The Hague



Peter Kempen
Chairman, SUEPO Berlin



Robert Hermann
Chairman, SUEPO Vienna

cc: Janez Janša, Prime Minister of Slovenia, current EU Council presidency
José Manuel Barroso, President of the European Commission
Charlie McCreevy, Commissioner for Internal Market and Services
Hans-Gert Pöttering, President of the European Parliament
Alison Brimelow, President of the European Patent Office
Roland Grossenbacher, chairman of the Administrative Council of the European Patent Organisation
Ernest-Antoine Seillière, President of BusinessEurope
Giovanni Sergio, President of Union Syndicale Fédérale