

Ortssektion München . Local Section Munich . Section locale de Munich

12.06.2015

su15060mle – 0.2.2/0.4.2/5.3/

Mr Heiko Maas, MdB
Federal Minister of Justice and Consumer Protection
Mohrenstrasse 37
D - 10117 Berlin

Re: Resolution by the Personnel of the European Patent Office in Munich

Munich, 12 June 2015

Dear Minister,

The personnel of the European Patent Office (EPO) in Munich convened yesterday at a General Meeting. A resolution was then adopted, unanimously, which is directed to yourself. It is appended to this letter.

The conditions at the EPO continue to be far from normal or in any way relaxed. The signs of easing of tension which were more recently evident have regrettably transpired, after only a brief period, to be mere window-dressing.

The Administrative Council of the European Patent Organization (EPOrg) has indeed been urging the President to sit down with the staff unions. Nevertheless, the discussions in the relevant working groups have progressed as they have always done; they do not – they stagnate. While the unions have already introduced numerous proposals, there has repeatedly been nothing but clear rejection on the part of the Office. It is also our impression that the very existence of these talks was intended to give an appearance of readiness to enter in to dialogue, which in reality simply does not exist.

We see our view in this matter further reinforced by the fact that the President, while approving the talks, has at the same time been arranging for investigations and eavesdropping targeted at members of the staff representation body. These actions are being undertaken by an outside firm of investigators, [Control Risks](#) [1]. Control Risks have already been embroiled in [informant scandals](#) [2] at Deutsche Telekom, Deutsche Post, Lufthansa, Deutsche Bank, and numerous other concerns. "[Der Spiegel](#)" [3] has also reported that Control Risks have even made recourse, in their investigation activities, to former unofficial personnel from the Ministry of State Security of the former GDR. We cannot say at present whether former IM members are now conducting investigations at the EPO. Enquiries made to Control Risks in this respect remain unanswered.

The press reports in the "Süddeutsche Zeitung" in the past few days [show](#) [4] that the persons responsible at the EPO have entirely lost any sense of the limits of their powers and authority. By way of example, at the EPO main building, publicly accessible computers have been fitted with what are referred to as key loggers; in other words, they have been bugged. The possibility cannot be excluded that these computers have also been used by patent attorneys in the interludes in negotiations with the Boards of Appeals, and that confidential communications by E-mail between attorneys and their clients are being

monitored by the Office. In addition to this, while these computers were being bugged, the most highly placed executive bodies of the EPO were meeting, among them the Administrative Council. The possibility is likewise not to be excluded that many of the delegates from the 38 Member States have been using these computers. The loss of trust on the part of the public with regard to the EPO is incalculable.

We are of the opinion that Mr Battistelli is no longer in a position to control this chaos which is of his own making, let alone restore order. By way of example, he had initially arranged for a new career system to be approved by the Administrative Council, in which, probably as an oversight, provision was made for a trial period and financial bonuses for judges. He is now back-peddling, and has presented the Administrative Council with the document CA/49/15 (not for public access), and is hoping that this has resolved the matter. But even this document had to be withdrawn during the evening before the mandatory consultation with the Personnel Committee, and was revised, without it being possible for the revised version to be presented to the consultative proceedings. We therefore come to the conclusion that CA/49/15 is written proof of the failed policy of a failed President. We anticipate his departure.

Minister, we ask you to take action in the context of the appended Resolution.

Yours faithfully



Elizabeth M. Hardon
SUEPO Munich
Chair

References:

[1] Control Risks: <https://www.controlrisks.com>

[2] Spiegel, "The Dark Side of Power: German Corporate Spying Scandal Widens"
<http://www.spiegel.de/international/business/the-dark-side-of-power-german-corporate-spying-scandal-widens-a-55851.html>

[3] Spiegel, "Attack on Customer Data: Lufthansa Admits Spying on Journalist"
<http://www.spiegel.de/international/business/attack-on-customer-data-lufthansa-admits-spying-on-journalist-a-558312.html>

[4] Süddeutsche Zeitung, "Späh-Skandal-Europäisches Patentamt überwachte Mitarbeiter mit Keyloggern", 8 June 2015
<http://www.sueddeutsche.de/muenchen/internes-schreiben-patente-ueberwacher-1.2511405>

Ortssektion München . Local Section Munich . Section locale de Munich

11.06.2015

su15058mpe – 0.2.2/0.3.1/0.3.2/5.1

RESOLUTION

Staff of the European Patent Office in Munich, having convened at a General Meeting

determine, that

- the alleged attempt to resume “Social Dialogue” is restricted to the so-called “trilateral”¹ discussion regarding the recognition of the staff union, while the actual and immediate problems of the EPO (nepotism, the toxic management style, and the abuse of power by Mr Battistelli, as well as the introduction of reforms which infringe the basic constitutional rights of EPO personnel, which all free citizens enjoy) have not been remotely addressed;
- Mr Battistelli proclaims in public that he promotes “Social Dialogue”, while he has covertly engaged the private investigator company ([Control Risks](#)) to conduct investigations against members of the staff representation bodies of the EPO, thereby once again calling into question his credibility with regard to efforts to achieve social peace;
- the Administrative Council of the EPO, which, despite being aware of massive shortcomings and deficiencies, has adopted the questionable reforms, has in the past consistently supported the President and still does so, has in the past failed, and still does fail, to redress the wrongs which have been and are being committed, including the attacks on the staff representative bodies, and is a part of the problem,

further determine that

- the Federal Republic of Germany, (i) citizens of which make up a quarter of the staff of the EPO, (ii) on the territory of which two-thirds of the staff of the EPO are resident, and (iii) which profits the most from the advantages of the EPO, both with regard to annual fees as well as other income, and on the sovereign territory of which are perpetrated the nepotism referred to, the toxic management style, the abuse of power, and the infringement of basic rights, has hitherto tolerated this situation,

DEMAND

that Mr Heiko Maas, MdB, Federal Minister of Justice and therefore holder of the highest office of his Government in the European Patent Organization,

- takes all measures suitable and appropriate to restore social peace at the EPO, such that the status of a state governed by rule of law is guaranteed;
- raises the question of confidence of the President in the Administrative Council;
- ensures that the basic rights which every person in Germany enjoys also apply to the personnel of the EPO.

Munich, 10 June 2015

¹ With the President of the Office, members of the Administrative Council, and EPO staff unions