



To the members of the Administrative
Council
European Patent Organisation
Erhardtstr. 27
80469 Munich
Germany

21 January 2010

Dear Member of the Administrative Council,

Following the announcement by Alison Brimelow last year that she would not seek re-election as President of the European Patent Office (EPO) at the end of her mandate, an official procedure to elect a new President was launched. Despite successive voting rounds, no outcome has been achieved so far. A new meeting of the Administrative Council for this purpose is scheduled on 2-3 February 2010.

BUSINESSEUROPE as an observer to the Administrative Council has been following closely the procedure and has even sought the vision of the candidates for the post regarding the future of Europe's patent system.

However, at this stage of the procedure we would like to share with you our concern about the apparent inability of the Council to come to an agreement on the name of a successor.

The EPO has a key role in shaping the future European patent system. A few weeks ago, a political agreement was reached among EU Member States on the reform of the European patent system, with the setting up of a common patent jurisdictional system and the adoption of an EU patent. This is an important development, but there are still a number of key issues that need to be resolved before a new system becomes operational.

At the same time, in the international arena, the growing patent workloads oblige the EPO to move forward its cooperation with the Trilateral Patent Offices and even reach out to China and Korea to find common solutions.

The recently installed new leadership in the United States and Japanese Patent Offices will give them stronger political clout vis-à-vis Europe to defend the interests of their users, the longer no new leadership is elected at the EPO.



This is why we believe that the election process cannot continue ad infinitum and a clear decision for a new President with a strong mandate must be the result of the next Administrative Council meeting. The EPO deserves better than this prolonged uncertainty.

We urge you therefore to rapidly reach a decision on the election of the new President.

Yours sincerely,

Philippe de Buck