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To: Members of the Delegations in the Administrative Council
Cc: Mr António Campinos (President of the Office)

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Central Staff Committee
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By email:

To: council@epo.org

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OPEN LETTER

Which strategy is needed for the European Patent Organisation?

Dear Members of the Delegations in the Administrative Council,

The Administrative Council will be soon tasked with the assessment of the progress in the Strategic Plan 2028 and the design of a future strategic plan. In this context, the Central Staff Committee (CSC) respectfully submits the following observations:

Recommendations for European Competitiveness ...

The Draghi report on [The Future of European Competitiveness](#) states that while Europe has a strong position in patenting, the problem remains that patented inventions are poorly commercialised¹. According to the EPO itself, only about one-third of the patented inventions registered by European universities or Research and Technology Organisations are commercially exploited². Only 9% of SMEs in the EU own formal Intellectual Property Rights such as patents, trademarks and designs compared to more than 55% of large companies³. Overall, the report recommends to improve commercialisation, strengthen IP strategies, easier scaling of startups, deepening capital markets, and more focused innovation funding. While Mr Draghi explicitly rejects blanket protectionism⁴, he proposes⁵ a selective industrial strategy with protection of strategic capabilities where dependence is risky.

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¹ [“The Draghi Report : A competitiveness strategy for Europe” \(Part A\)](#), pages 28 and 29

² [“The Draghi Report : In-depth analysis and recommendations” \(Part B\)](#), page 244

³ [“The Draghi Report : In-depth analysis and recommendations” \(Part B\)](#), page 244

⁴ [“The Draghi Report : A competitiveness strategy for Europe” \(Part A\)](#), pages 19 and 20

⁵ [Address by Mr. Mario Draghi](#), pages 6 to 7

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... disrupted by the policies of the European Patent Organisation

Over the last decade, the policies of the European Patent Office have been aimed at channelling procedural and renewal fees from [major applicants in the United States and Asia](#)⁶. Increased output is now achieved via so-called [harmonisation practices](#)⁷ leading to a speedy procedure towards grant. As a result, such patent applications are deprived of a review that could have taken place in the Boards of Appeals whose [workload is now decreasing](#)⁸ dramatically. Instead of being subject to a high-level discussion on patentability, strategic decisions are left in the hands of Team Managers or Directors mandated to increase output. Non-European major applicants are benefitting from the situation. They can easily increase the size of their patent portfolio while European companies and SMEs struggle to circumvent these granted patents when trying to commercialise their own inventions. This is particularly the case in the strategic field of Artificial Intelligence dominated by actors from the United States and Asia and where dependence of Europe is risky. Such a dependence is difficult to overcome if the European market is flooded by non-European patents. A careful attention to the Draghi report would trigger the EPO to have a high-level discussion on patentability and the delivery of high-quality patents in the interest of Europe's competitiveness.

Towards AI assistance or AI automation?

By letter of 13 June 2025⁹, the Central Staff Committee (CSC) called for revising the EPO AI Policy and the "Leveraging AI" SP2028 objective. The EPO AI Policy is not bound by international texts and just takes note of initiatives such as the Council of Europe [Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law](#) of 17 May 2024, and the [EU AI Act](#). While the EU-AI Act ([Recital 6](#)) defines "human-centric AI" as having the aim of increasing human well-being, the EPO restricts its "human-centric" approach as "final decisions at the EPO being taken by human actors". This is insufficient. If there is no systematic human review of intermediate steps, AI influences the final decision and humans lose the control. As a consequence, the EPO AI Policy lacks boundary between "assistance" and "decision making". In fact, we hear that the IT Department is currently trying to design AI prompts aimed at automating the whole patent granting process. There has been no strategic discussion on the adequate role of AI and the adequate place for human input. Similarly, there has been no discussion as to whether AI shall be used to raise the bar in terms of patent quality or to simply increase output.

Recruitment policy completely lacks transparency

Back in 2018, the EPO increased from 5% to 20% of total staff the limit for employees on fixed-term contract¹⁰. In practice, the fixed-term appointments are set at a 5-year duration, are renewed once for a second 5-year period and may be converted into permanent appointment. If we also take into account first three years as Young Professionals, this amounts to 13 years of "probation", which is well-beyond the legal limit in our host countries. In some cases, we heard that select employees were appointed earlier on a permanent basis in procedures marked by a complete lack of transparency. Lack of transparency is actually affecting all recruitment procedures since the participation of staff representatives is not anymore a compulsory procedural feature of the

⁶ [Patent Index 2025, Top 50 Applicants](#)

⁷ "Presentation TOSC/97 – Update on Quality Actions" ([CA/T 15/25](#))

⁸ "Management report of the President of the Boards of Appeal 2024" ([CA/9/25](#))

⁹ "Call for revising the EPO AI Policy and the "Leveraging AI" SP2028 objective", CSC letter of 13 June 2025 ([sc25038cl](#))

¹⁰ "Modernisation of the EPO's employment framework" ([CA/3/18](#))

recruitment process, but made possible solely as observers in a few exceptions (e.g. Ombudsperson, Chairmen of the Appeals Committee). Without transparency and oversight, there is risk of abuse. While women represent the majority of Young Professionals, the proportion of women drops when it comes to appointment for fixed-term contracts or managerial posts. We observe that officials are first appointed *ad interim* on a managerial post and are then those who conveniently and unsurprisingly succeed in the recruitment procedure (if any). A talent pipeline has been put in place directly from the EUIPO in Alicante. The level of cronyism is such that there is even a selective application of the EPO code of conduct. It is therefore highly questionable whether the promised “general obligations of transparency” have been reached.¹¹

Social Dialogue: From decline to ghosting

The greatest asset of the EPO is its staff. A president who loses contact with staff and ignores their representatives cannot inspire commitment, dedication or trust. He risks turning engagement into disengagement. Mr Campinos was initially recruited in 2018 for his ability to restore social dialogue at the EPO. The meetings of the General Consultative Committee (GCC) took place in person, enabling participants to use body language and other forms of non-verbal communication that have proven effective to de-escalate tensions. Since the pandemic, GCC meetings take place exclusively online and the atmosphere deteriorated over the years until it became unacceptable in the GCC meeting of 26 April 2022¹². By letter of delegation dated 29 September 2022, shortly after his re-election Mr Campinos made use of his power to delegate the function of Chair of the GCC to Mr Ernst (VP5) and has exercised this right for an uninterrupted period of more than 3 years. In the GCC, Mr Rowan (VP1) and Ms Simon (VP4) even keep their cameras switched off and do not take the floor. To this date, a request by the CSC for Mr Campinos to attend the GCC remains unanswered and Mr Campinos has addressed neither staff nor the CSC in any meeting on the topic of the salary adjustment procedure¹³. The feeling is growing that Mr Campinos is leaving staff behind and conveys no feeling of belonging to the Organisation. Most importantly, Mr Campinos is showing absolutely no reaction to the industrial actions despite this period of rolling strikes and work-to-rule being the most extensive in decades and is having huge impact on both the staff morale and the Office output. We expect that whoever holds the presidency from July 2028 onwards will change course and reach out to staff, have their support, and actively engage in a meaningful social dialogue with the staff representatives.

Communication vs reality

Since 2018, the Communications Department of the EPO has produced glossy presentations, organised elaborate events and edited self-congratulatory videos for e.g. the annual review and “quality” actions. The number of KPIs used in the reports has inflated to the point that one can hardly understand anymore what they really mean. The gap has widened between the EPO communication and reality. The latest Willis Towers Watson survey 2026 is symptomatic of this tendency. In the survey, positively framed statements dominate and very few questions are framed to surface problems explicitly (e.g. workload pressure, conflict, unfair treatment, lack of trust). This framing subtly encourages affirmation rather than critique, making it harder for staff to express dissatisfaction without feeling confrontational or exposed. Two questions of the 2025 edition for which staff had answered negatively have even been removed in the 2026 edition: “*We have a good reputation for the quality of our products and services*” and “*I would recommend the EPO as*

¹¹ [CA/3/18](#), par. 45

¹² “Report on the GCC meeting of 26 April 2022”, CSC paper of 29 April 2022 ([sc22050cp](#))

¹³ “Attendance in the GCC meeting on the salary adjustment procedure”, CSC paper of 16 April 2022 ([sc26028cl](#))

a good place to work". EPO staff do not identify themselves with the representation of the EPO made by the EPO administration.

We respectfully invite the Council to take into account our report on the situation at the EPO and call for a strategic discussion before taking any decision on the EPO presidency.

Sincerely yours,

A handwritten signature in blue ink that reads "Derek Kelly". The signature is written in a cursive, flowing style.

Derek Kelly
Chairman of the Central Staff Committee