

PRESS RELEASE

Staff unions win appeal against the *European Patent Organization* on most counts

Amsterdam, 20 February 2015 - On 17 February 2015, the appeals court in The Hague held that the appeal filed by the *Staff Union of the European Patent Organization* ('SUEPO') and its Dutch branch, the *Vakbondsunie van het Europees Octrooibureau* ('VEOB'), in their case against the *European Patent Organization* ('EPO'), was well-founded on most counts.

The unions – who represent a large percentage of EPO's employees – are taking action against, in short, abuse within the EPO-management and deteriorating employment conditions. Late 2013, the unions initiated summary proceedings against the EPO because the organization was inhibiting them in the exercise of their internationally recognized rights to collective action and collective negotiations. These rights belong to the fundamental principles of an open, democratic rule of law state and have been laid down *inter alia* in the European Convention of Human Rights, the European Social Charter and international labor law. Among other things, the unions object to the restrictions imposed by the EPO on communication with their members and to the strike regulations enacted by EPO as per 1 July 2013, that significantly inhibit their ability to exercise the aforementioned collective rights.

The EPO's position that it enjoys jurisdictional immunity was rejected by the district court (ECLI:NL:RBDHA:2014:420) as well as by the appeals court. It was held that immunity from jurisdiction would have resulted in a disproportional restriction of the unions' right to an effective remedy, because they have no alternative means to bring proceedings in this case.

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