

**PRESS RELEASE**

**No jurisdictional immunity for the European Patent Organization**

Amsterdam, 3 February 2014 - On 14 January 2014 the provisional relief judge of the district court of The Hague gave his verdict in summary proceedings against the European Patent Organization ('EPO'), which had been initiated by the central Staff Union of the European Patent Organization ('SUEPO') and the local branch in The Hague ('VEOB The Hague'). On the one hand, the object of the proceedings was the realization of the internationally recognized right of the unions to enter into collective bargaining with the EPO. Until then, the unions had been denied that right. On the other hand, the unions demanded the suspension of the new rules on strikes that had been introduced by the EPO as of 1 July 2013. Those rules significantly limited the internationally recognized right to strike. The EPO took the position that the provisional relief judge had no jurisdiction to consider the case because the organization enjoyed immunity from jurisdiction. However, the provisional relief judge rejected that defense.

In doing so, the provisional relief judge is following a trend in jurisprudence according to which the jurisdictional immunity of international organizations is subject to a proportionality-test. According to the case-law of the European Court of Human Rights, an appeal to jurisdictional immunity cannot succeed if that would mean that a party has no reasonable alternative means to effectively invoke his rights.

The court rejected the unions' claim because allowing it would lead to a difference in applicable rules within the EPO-office in the Netherlands and the other EPO-offices in Germany and Austria. According to the provisional relief judge, the unions should address the central organization in Munich and not the branch-office in Rijswijk.

The unions are represented by lawyers Liesbeth Zegveld and Christiaan Oberman (external); at present, they are considering a possible appeal.

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