Dr Ingve Björn Stjerna

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Deutsche Vereinigung für gewerblichen Rechtsschutz
und Urheberrecht e.V.
Rechtsanwalt Dr Hans Peter Kunz-Hallstein
Rechtsanwalt Prof. Dr Michael Loschelder
Konrad-Adenauer-Ufer 11

50668 Cologne

Düsseldorf, 6 May 2012

**Legislative initiative "unitary patent" and court system –
Your e-mail of 30 April 2012**

Dear Dr Kunz-Hallstein,

Dear Prof. Dr Loschelder,

I have read your e-mail of 30 April 2012.

It does, however, not provide an answer to the crucial question as to why GRUR has still not commented on the legislative plans (cf. my e-mail of 20 April 2012).

Insofar as you state in your last message stating that, according to your discussions with the Federation of German Industries [Bundesverband der Deutschen Industrie, BDI] and consultations with representatives of the Ministry of Justice, this would be of no avail at the moment, it raises the question to what extent the activity or inactivity of GRUR depends on the opinion of third parties. According to my information, the Ministry of Justice seems to be determined to implement the plans in their present form, whatever the cost. With regard to this objective, it appears that any critical statement pointing out the existing shortcomings is not appreciated and is "to no avail".

This brings me back to the question of the reasons for GRUR's present silence. Meanwhile, I have obtained information on that question from well-informed sources. I have been informed as follows:

> *"The patent attorneys or a part of the executive committee [of the German chamber of patent attorneys] respectively decided about a year ago to put all the stakes on an own right of representation before the EU courts. And in order not to endanger that noble cause, they refrain from any form of criticism regarding the BMJ [the German Federal Ministry of Justice], the [European] Commission etc. That is also the reason why Mr Keussen is not taking any action in the [GRUR] patent committee."*

If that last sentence were true, it would mean, as I understand it, that GRUR is tacitly waiving the pursuit of its statutory purpose in order not to jeopardise financial interests or financial expectations of some of its members towards a possible independent right of representation before the "unitary patent court system" to be created. This would indeed be remarkable in view of the fact that the members of GRUR are not only patent attorneys from private practice but, for example, also several industrial enterprises and their employees, whose primary interest is to obtain an efficient, cost effective and high-quality system of a "community patent" and a corresponding court system which, as is known, would not be provided by an implementation of the current plans. In effect, this would mean that the creation of an insufficient system is consciously and tacitly accepted in order not to disappoint the financial expectations of some members. In principle, I would rather not believe that.

Are you in your position as GRUR's President and Secretary General, respectively, aware of the above-mentioned situation and if so, is it the decisive factor for the silence GRUR maintains so far with regard to the legislative plans? If not, how do you intend to investigate this situation?

Before discussing the obtained information with third parties, I would like to wait for your comments on this matter. I would appreciate if you could let me have them by

Wednesday, 16 May 2012.

With kind regards

Dr Ingve Stjerna

cc: Dr Christof Keussen (by e-mail to [redacted]@glawe.de)

Deutsche Vereinigung
für gewerblichen Rechtsschutz
und Urheberrecht e.V.

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Der Generalsekretär

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Friday, 18 May 2012/kb

Your letter of 06/05/2012

Dear Dr Stjerna,

We received your letter of 06/05/2012. We consider the style and content of this letter to be indecent. On the one hand, this applies to the accusations raised against Dr Keussen, all the more as this is done by way of a quotation without citing the person quoted. On the other hand, this also applies to the threat at the end of that letter stating that you intend to discuss this information with third parties if we do not comment, with you setting a deadline to that effect.

We forwarded your letter to all persons within GRUR with whom we consider necessary a discussion about the topic you raised. We reject any accusations raised against Dr Keussen. There will be no further statement from us. We do not wish to receive an answer to this letter from you and will not continue to correspond with you in the future.

Yours respectfully

Dr Hans-Peter Kunz-Hallstein
President

Prof. Dr Michael Loschelder
Secretary General

Dr Ingve Björn Stjerna

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By e-mail to m.kreis@grur.de and [redacted]@kunz-hallstein.com

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50668 Cologne

Düsseldorf, 29 May 2012

**Legislative initiative "unitary patent" and court system –
Your letter of 18 May 2012**

Dear Dr Kunz-Hallstein,

Dear Prof. Dr Loschelder,

Thank you very much for your letter of 18 May 2012.

First of all, I would ask you to appreciate that I reserve the right to decide for myself to whom I send letters, especially if - as in your case - this relates to persons holding a public office within an association who are accountable to its members. It is up to you, how you deal with my correspondence. In addition, I should like to note that not everything which might be unpleasant for you is offensive for that reason; quite to the contrary. In any event, you will not be able to avoid that GRUR's inactivity in this matter will be addressed.

I am surprised about the agitated style of your last letter, in which even the allegation of a threat is being made. I am not aware of having threatened anybody. However, you did not deny the factual content of the statement I brought to your attention. This fact and the choice of words in your letter allow for certain conclusions being drawn as regards the mentioned quotation, these are what you seem to perceive as threatening.

As regards the quoted statement I should like to note that I have absolutely no preference about the independent right of representation of patent attorneys in the planned court one way or the other. I am, however, of the opinion that, in the interest of the industry, the primary

efforts of all of us should go towards achieving the required high quality of the system to be created by closely monitoring the legislative procedure. I cannot see how possible extended powers of representation might be of value in a system which, due to its deficiencies, nobody will want to use.

Although the plans have been exposed to considerable criticism in all major European patent jurisdictions for quite some time, GRUR is maintaining its silence, thus also serving the interests of politics in not having to discuss the obvious deficiencies of the plans. Since February 2012, I have repeatedly asked you in writing about the reasons for the silence by GRUR, but only received evasive answers. If the plans in their currently planned form become law, this will have serious consequences. Instead of relying on the “unitary system”, an increased use of intellectual property rights with an exclusively national effect would not be surprising, so that, instead of achieving the intended legal harmonisation, the status quo would be strengthened and a stronger integration thwarted. You will be asked where GRUR actually was when all this was decided.

You told me that you forwarded my recent letter to third parties. Accordingly, I assume that you agree with me making our previous correspondence available to third parties as well.

Since you declared the discussion to be terminated and intend to continue it with said persons, with whom you consider a discussion “*to be necessary*”, I will proceed accordingly. You will be hearing from me.

With kind regards

Dr Ingve Stjerna

Dr Ingve Björn Stjerna

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Deutsche Vereinigung für
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Düsseldorf, 13 March 2014

In advance by e-mail to m.kreis@grur.de and [redacted]@kunz-hallstein.com

**Legislative initiative “unitary patent” and court system –
The position of GRUR, our correspondence from the year 2012**

Dear Dr Kunz-Hallstein,

Dear Prof. Dr Loschelder,

I refer to my letter of 29 May 2012 and our correspondence as regards the creation of a European “unitary patent” and corresponding court system.

As you will recall, in your position as members of the General Council of GRUR I have asked you several times – e. g. in the e-mails of 11 January 2012 and 20 April 2012, the letters of 26 March 2012, 6 May 2012 and 29 May 2012 – about the reasons why GRUR has remained persistently silent as to the legislative procedure, in a manner contrary to what is customary. You have not given any conclusive justification for that at any point, but rather repeatedly stated that you wanted to wait for now (your e-mails of 9 February 2012, 19 April 2012 and 30 April 2012). Apparently, this position seems to have remained unchanged until the completion of the legislative procedure, at least I am not aware about an official statement issued by GRUR on the “unitary patent package”.

In addition to this unusual silence, GRUR treats professional comments on this topic in a manner suggesting that it is biased in favour of the “unitary patent”. During the legislative procedure and afterwards, I have myself submitted several different manuscripts for articles

on different, largely unknown aspects from the legislative procedure on the “unitary patent package” for publication in GRUR journals, all of which were, however, rejected. This especially relates to the following articles:

- “Unitary patent and court system – Failed for now” of 13 July 2012, offered for GRUR-Prax on 13 July 2012: By e-mail of 25 July 2012, the editorial office of GRUR-Prax rejected publication and, on behalf of the “circle of publishers”, demanded the removal of quotations as well as the modification or deletion of individual formulations. As a consequence, I withdrew the article. Maybe you have been informed about my corresponding letter to the “circle of publishers” of GRUR-Prax of 30 January 2014.

- “Unitary patent and court system – The sub-sub-suboptimal compromise of the EU Parliament” of 5 September 2013, offered for GRUR-Prax on 3 October 2013: You rejected publication by e-mail of 17 October 2013 on the grounds that due to the annual meeting held shortly before, GRUR was *“so full of articles that a publication could not be considered before summer”.* Moreover, you stated that publication in GRUR Int. was excluded due to the prior publication of the article on the internet.

- “Unitary patent and court system – Law-making in camera” of 26 November 2013, offered for GRUR on 3 December 2013: You rejected publication in GRUR by e-mail of 6 December 2013, this time on the grounds that the article was better suited for publication in GRUR Int., stating that you had forwarded the article to the responsible person. By e-mail of 10 December 2013, you informed me that publication in GRUR Int. was not possible either, again due to the previous publication of the article on the internet.

In some of the articles I submitted, you have indicated a general interest and also accepted them for publication (e. g. “Unitary patent and court system – No “Light on the Horizon” of 4 December 2012, offered for GRUR on 11 December 2012), but a publication never took place. As to said article, by phone you held out the prospect of a publication at the earliest for March/April 2013, apart from requesting to also address in it the *“further developments”* (your e-mail of 18 December 2012).

In stark contrast to this style of dealing with rather critical comments stands the approach towards the article *"Finally: Decisions on the unitary patent and the European patent court"* by Prof. Tilmann. On 11 December 2012, i.e. on the day of the adoption of the "unitary patent package" by the European Parliament, and two months before it was printed in issue 2/2013 of GRUR (GRUR 2013, 157), this article was published under GRUR letterhead (!) as a PDF file on the GRUR website, accompanied by the statement that it was an article of *"our author Prof. Tilmann"*. In particular its publication under the GRUR letterhead and said statement had created in the press the impression that the article reflected the official position of GRUR (cf. the article "Unitary patent creates equal opportunities" of 4 January 2013 on vdi-nachrichten.com). I contacted you by e-mail on this incident on 8 and 15 January 2013. You answered that you were *"not happy"* about the pre-publication and that you had not been informed about it.

It will not surprise you that, in light of all this, one can get the impression that, in relation to the "unitary patent package", GRUR is lacking the required neutrality and objectivity and is unilaterally supporting statements in favour of this "package". I intend to discuss these incidents in an article shortly.

In this context, I would like to give you the opportunity to state your view. Do you not think that, when dealing with a legislative project such as the one on the "unitary patent," the statutory purpose of GRUR (in particular sec. 2(1), sec. 3(1) lit. a) of the GRUR statutes) necessarily requires a discussion and the promotion of a certain plurality of opinions in order for the members of GRUR to be able to form their own view? I would appreciate if you could let me know your view of said events.

I – still – assume your agreement with me making our correspondence on that topic available to third parties.

With kind regards

Dr Ingve Stjerna

GRUR

Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht e.V.

Der Generalsekretär

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3 April 2014

Legislative procedure "unitary patent" and court system

Dear Dr Stjerna,

After returning from my vacation, I found your letter of 13 March 2014 which I received by post on 18 March 2014. I answer you in coordination with and in the name of our President, Dr Kunz-Hallstein. Before dwelling on the contents of your letter, please allow me to make three preliminary remarks, whereas these preliminary remarks already constitute an answer, at least in part.

1. In your letter, you mention various e-mails which you sent to us as members of the General Council of GRUR. Your enumeration is not complete. At the time of your first e-mail of 11 January 2012, I opened a separate file which has quite a substantial volume by now. From this, you can see that all your letters have been answered diligently and without delay.

2. At the end of your letter, you write that you give us the opportunity to state our view and that, against the background of what you describe, one could get the impression that GRUR was lacking the required neutrality and objectivity.

   You are GRUR member and know our association well. You know that GRUR has more than 5,300 members. Obviously, not all members can have a say on all topics. For that reason, GRUR has a certain structure which is designed to allow all interested members to partake in the formation of opinions. This structure also includes specialist committees. As you know, there is a specialist committee for patent and utility model law which is headed by Dr Christof Keussen. This committee meets regularly. In this committee, various opinions are presented. The statements of the committee which do not necessarily have to be written statements - there are numerous discussions with the responsible persons in the ministries and at EU level - are the result of discussions held by that committee. Insofar, as a matter of fact, opinions are fed into the discussion which do not necessarily represent the opinion of the majority of the members. You are not a member of this committee, although, in principle, each member is free to join a

committee. In this respect, you miss out on the opportunity to take part in the formation of opinions within GRUR.

3. You close your letter with the remark that you assume my agreement with you making this correspondence available to third parties. This reminds me of your letter of 6 May 2012 which you concluded with the remark that you expected me to make a comment “before I discuss the information provided to me with third parties.”

   Quite obviously you tend to exert pressure by threatening a publication. I consider this inappropriate and I told you so at that time. As far as the publication of the correspondence is concerned, I shall limit myself to mentioning that you have to observe the statutory regulations resulting from the right of privacy as well as from copyright in this respect.

But now on to the content of your letter:

The General Council of GRUR, as the representatives of which you address us, does not have a uniform opinion on the new European patent law. This is not the task of the General Council. Neither is it the task of the General Council to act as opinion leaders in this respect. As stated in the preliminary remark already, the formation of opinions takes place in the specialist committees, in which anybody may partake. The General Council will take note of the specialist committees’ opinion and prepares statements together with the specialist committees. Usually, these statements are the result of a majority view, while minority views are regularly taken into account in the statements if they are of some relevance. Whether and in what form a statement is issued on a specific topic is likewise for the committee to decide. If a committee does not think that a written statement is necessary and if it prefers to have discussions on certain topics in Brussels or in the ministry or elsewhere, that is for the committee to decide. In this particular case, various discussions have been held in the ministry as well as in Brussels. I participated in two of these discussions at least. During these discussions, there was certainly no one-sided preference for a certain direction. In a matter as complex as European patent law - substantive law and procedural law -, this is not even possible. On the individual aspects, there were very diverse opinions.

As far as your publication in GRUR is concerned, you are perfectly aware of the fact that a part of these publications was not accepted only because there had been previous publications. I personally talked with Professor Mes and Dr Katzenberger at least three times. Dr Katzenberger rejected publishing the articles twice because there had been a previous publication. Professor Mes rejected the publication once because, at that time, there had been an abundance of publications and the backlog was heavy. Therefore, the fact that your articles were not taken into account had nothing to do with you as a person.

Although you are not a member of the patent committee, I would, however, like to suggest the following solution so that you have the opportunity to present your opinion within GRUR:
Since you are very well versed in the subject matter, it will not be a problem for you to give a presentation on this topic. I will write to the chairpersons of the regional groups [of GRUR] and ask them to give you the opportunity of giving a presentation. I often do this when receiving proposals from speakers. I usually receive two to four answers from the seven regional groups. Thus, the presentation could be given two to four times to different audiences.

If you agree to this procedure, please let me know. Maybe we can talk about the matter on the phone some time. And maybe you go along with my suggestion and attend the meetings of the committee on patent law - at first, as a guest. I attach great importance to a diversity of opinions being present within GRUR. Until now, I have not had the impression that there were undemocratic endeavours in any of the committees. I am reminded of the very controversial discussions in the copyright committee, where various circles - publishers, authors, users - sometimes take irreconcilable positions. All this is then incorporated into the statements in the form of minority votes. This should also be possible in patent law.

I look forward to your answer.

With kind regards

Prof. Dr Michael Loschelder
Secretary General

Dr Ingve Björn Stjerna

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Deutsche Vereinigung für
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Düsseldorf, 28 April 2014

In advance by e-mail to m.kreis@grur.de and [redacted]@kunz-hallstein.com

**Legislative initiative "unitary patent" and court system –
The position of GRUR, your letter of 3 April 2014**

Dear Prof. Dr Loschelder,

Thank you very much for your letter of 3 April 2014, as to which I would like to make the following comments:

I.

1. Let me begin with your remark, that the correspondence I quoted was not complete. I do not wish to give the impression that you left inquiries unanswered. I indeed refrained from naming every single e-mail and every individual letter, this is not necessary as to the position of GRUR I described. Reasonable grounds as to why GRUR has not provided an official statement were not given to me at any time – be it in the quoted or in the unquoted correspondence.

II.

2. You explain the structure within GRUR provided for the formation of opinions and the role the specialist committees played in this. In this respect, you note that I was not a member of the specialist committee for patent and utility model law, although I was

free to do so. Insofar, I would *"miss out on the opportunity to take part in the formation of opinions within GRUR".* It is true that I am not a member of that committee. I should, however, be free to choose in which of the possible forms I take part in the formation of opinions. I suppose that the journals published by GRUR are also part of the mentioned structure. The primary issue in the present context is the participation in the formation of opinions via these journals and the manner in which GRUR handled the articles mentioned in my letter of 13 March 2014.

3. However, considering the fact that, on the one hand, you point out that GRUR had around 5,300 members and therefore not *"all members can have a say on all topics"*, while, on the other, as to the formation of opinions on such an important topic like the "unitary patent" you refer to the activities of the specialist committee – a body with approximately 50 members, as far as can be seen –, I wonder how it is guaranteed that the other members of GRUR, who may not be part of the committee but for whom the subject is nonetheless important, are informed about the content and results of the consultations and discussions carried out by this committee. Without corresponding "official" written statements, the respective activities of GRUR remain in the dark.

III.

4. Unfortunately, in your letter you only marginally address the actual topic of my letter of 13 March 2014, namely GRUR's restrictive handling of my articles on the "unitary patent" issue,. In particular, the activities of the "circle of editors" of "GRUR-Prax" and the attempt to influence the content of my article remain uncommented.

5. You state that the omitted publication of my articles had nothing to do with me as a person. To me, that does not make any difference. What is important to me is that members of GRUR, even if they express unwelcome opinions, have access to the "channels" provided for that purpose. This should normally be a matter of course, but obviously it is not, at least not with regard to the "unitary patent". Against this background, it does not make any difference whether this access has been denied to me or to third persons. The crucial point is that it has been denied.

6. You refer to your talks with Mr Mes and the “backlog” of publications. You know as well as I do that the acceptance of an article for publication in particular in “GRUR” [the GRUR journal] is usually not at all binding in temporal terms. You surely do not want to claim that an article cannot be printed in GRUR on short notice at any time if the responsible persons only consider this to be opportune. The manner in which Prof. Tilmann’s article “Finally: Decisions on the unitary patent and the European patent court” was dealt with illustrates that very clearly. As far as I understand it, the mentioned previous publications hinder a publication in “GRUR Int.”, but not that in “GRUR” which was one of the reasons why I had submitted these articles for “GRUR.”

IV.

7. Please permit me to make a comment on the subject publication of the correspondence. In reaction to the statement in my most recent letter that I assumed – as previously – that you agreed with me publishing our correspondence on the present matter, you warned me that I had to observe the right of privacy as well as copyright.

8. I should like to remind you that it was you who told me in the letter of 18 May 2012 that you had forwarded my letter of 6 May 2012 to *“all persons within GRUR with whom we consider necessary a discussion about the topic you raised”.* This was done without a prior consultation with me and irrespective of its compliance with the statutory regulations you now remind me of. In my letter of 29 May 2012 I had replied to you that, accordingly, I assumed your agreement with me making your letters available to third parties as well. You did not comment on this.

9. I will not publish your letters without your consent. However, your position comes as a surprise to me, in particular in view of the statement contained in your last letter according to which you attached *“great importance to a diversity of opinions being present within GRUR”.* In view of this and with respect to your own handling of the subject, would it not seem prudent that the General Secretary of GRUR exercises transparency and openness and enables the GRUR members to form their own opinion about the matters in question, based on our previous correspondence?

10. Against this backdrop I hereby ask for your consent to be allowed to make your previous letters available to the public. If I do not receive an answer from you, I will assume that you stick to your previous position and do not consent to a publication. I do, however, intend to publish my letters.

V.

11. In closing I would like to comment on your suggestion to present my opinion on the "unitary patent" in a presentation on the topic in individual GRUR regional groups. I am not sure what purpose such a presentation can serve at this point in time, after the legislative procedure has been completed, as is known. The failure to enable an open discussion in good time cannot be compensated for by retroactively allowing the communication of respective opinions, at a time after all questions worth a discussion have been decided already.

12. Nevertheless, I do not want to completely ignore your proposal. If the chairpersons of the regional groups want me to hold a corresponding lecture, I would, on principle, be willing to do so. Maybe you could find out beforehand which districts would be interested? Perhaps the matter will sort itself out then.

13. I will, however, write the article on my impression regarding GRUR's position on the "unitary patent" and my experience with the handling of critical opinions – independently of whether or not such presentation will be given.

With kind regards

Dr Ingve Stjerna

GRUR

Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht e.V.

Der Generalsekretär

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Herrn
Dr. Ingve Björn Stjerna
[redacted]

[redacted] Düsseldorf

9 May 2014

Legislative procedure “unitary patent” and court system

Dear Dr Stjerna,

I refer to your letter of 28 April 2014. Please understand that I will not address the individual points raised in your letter. I would have to repeat myself then. Therefore, I only refer to your statements under item V. I wrote to the regional groups and offered them a presentation by you. From my experience, I usually get answers from three to four regional groups, with suggestions for possible dates. You have not proposed any topic for your presentation. So I took the titel of your article, of course calling it a working title: “The deliberations on the “unitary patent” and the related court system – On the way to disaster.” As soon as I have received answers from the regional groups, I will come back to you.

With kind regards

Prof. Dr Michael Loschelder
Secretary General

Dr Ingve Björn Stjerna

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Deutsche Vereinigung für
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Düsseldorf, 30 May 2014

In advance by e-mail to m.kreis@grur.de and [redacted]@kunz-hallstein.com

**Legislative initiative "unitary patent" and court system –
The position of GRUR, your letter of 9 May 2014**

Dear Prof. Dr Loschelder,

Thank you very much for your letter of 9 May 2014. In it, you informed me that you do not want to address the individual points raised in my letter of 28 April 2014, since you would have to repeat yourself then.

Therefore, you do not agree to a disclosure of your previous letters on the above topic, although you yourself seem to have made my relevant correspondence available to third parties without any reservations in the past. In view of this fact and based on the circumstances detailed below, I am considering to nevertheless make your letters public.

My letters are directed to Dr Kunz-Hallstein in his function as the President of the GRUR and to you in your function as its Secretary General and – according to grur.org – "place of contact for members". They concern the "unitary patent" and the corresponding court system and therefore a topic of great importance for the GRUR members working in the field of patent law, but also beyond, on a national and as well as on an international level. My letters refer to respective activities of GRUR, you have replied to them your above-mentioned function.

With regard to the business character of our correspondence and the public interest in the affected topic, and not least also with a view to legal positions that are protected by fundamental rights, such as freedom of speech and freedom of science, I would be grateful if you could explain to me in more detail the remark made in your letter of 3 April 2014, according to which in the case of a publication of your letters *"the statutory regulations resulting from the right of privacy as well as from copyright"* would have to be observed. Against the background described above, I would like to know especially to what extent you would consider the referenced statutory regulations to be affected in case of a publication of your letters, for I think this is what your reference is aimed at.

With kind regards

Dr Ingve Stjerna

GRUR

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Der Generalsekretär

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20 June 2014

Legislative procedure “unitary patent” and court system

Dear Dr Stjerna,

Having returned from my vacation, I find your letter of 30 May 2014. First of all, I would like to inform you that the regional group West, the regional group Southwest and the regional group Munich are interested in your holding a presentation on the topic of the unitary patent in the respective regional groups. Please do directly contact Dr Ine-Marie Schulte-Franzheim, Prof. Dr Thomas Sambuc and Dr Jürgen Kroher, the chairpersons of the regional groups, with regard to the exact wording of the topic and a proposal for a date.

As to the other issues you raised in relation to a publication of the exchanged correspondence, I think that we have discussed them often enough. I cannot remember having made public any correspondence from you. Of course, I have talked about this letter for example with our President and also showed him the letter. But that has nothing to do with publication.

What is to be understood by limitations from the right of privacy and copyright, this is defined by the laws and case law. Thus, I do not think that I have to discuss this topic any further.

With kind regards

Prof. Dr Michael Loschelder
Secretary General

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Deutsche Vereinigung für
gewerblichen Rechtsschutz
und Urheberrecht e.V.
Dr Hans Peter Kunz-Hallstein
Prof. Dr Michael Loschelder
Konrad-Adenauer-Ufer 11

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Düsseldorf, 17 July 2014

In advance by e-mail to m.kreis@grur.de and [redacted]@kunz-hallstein.com

**Legislative initiative "unitary patent" and court system –
The position of GRUR, your letter of 20 June 2014**

Dear Prof. Dr Loschelder,

Thank you very much for your letter of 20 June 2014.

In it, you informed me, among other things, that you did not want to discuss my letter of 30 May 2014 and the issues raised in it on the disclosure of our previous correspondence on the above matter. You said that they had been discussed often enough. Further, you are now downplaying your forwarding of my letters to third persons mentioned in your letter of 18 May 2012, claiming that this involved only one person and that, in any event, no publication was made.

As to my question to what extent you consider copyright and the right to privacy to hinder a disclosure of your previous letters, as claimed in your letter of 3 April 2014, in particular with a view to the relevance of the topic "unitary patent" for GRUR members (and beyond) as well as the fact that the correspondence was conducted with you as the competent GRUR official, you refer to "the laws and case law". Further explanations from your side would not be necessary.

In summary, it can be ascertained that you are avoiding a sustainable clarification of the questions raised in my letters as to GRUR's position as regards the topic "unitary patent", in particular its style of dealing with critical statements to that effect. Although it is largely not possible to deduce any reliable statements from your explanations – it is not without reason that the correspondence has been dragging on for quite some time now –, you ultimately declare that all questions have been sufficiently answered and that no further discussion was needed. It will come as no surprise to you that I do not share your view. It remains to be seen whether it will be possible to avoid the urgently required substantive discussion of the events in this manner.

With kind regards

Dr Ingve Stjerna