

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

M. (No. 13)

v.

EPO

142nd Session

Judgment No. 5318

THE ADMINISTRATIVE TRIBUNAL,

Considering the thirteenth complaint filed by Mr T. P. C. M.
against the European Patent Organisation (EPO) on 24 July 2025;

Considering Articles II, paragraph 5, and VII of the Statute of the
Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant, a former permanent employee of the European Patent Office, the EPO's secretariat, alleges that for years he has been the victim of cyberstalking and cyberbullying on his electronic devices carried out by EPO employees, at the direction and/or knowledge of the President of the Office. More specifically, he cites as evidence an event that would have occurred during the night of 22 to 23 December 2024, while driving, when his mobile phone's flashlight was switched on "with [alleged] online-connection". In his complaint, he also states that this cyberbullying arose through pop-ups from the Windows operating system and "keyboard entries". On 17 September 2024, the complainant lodged an appeal against the EPO's decision not to register nor initiate an internal investigation procedure.

In its opinion of 4 March 2025, the Appeals Committee concluded that there was insufficient evidence to establish that the alleged anomalies on the complainant's devices were the result of unlawful intrusions or that there was any evidence that it was caused by or carried out by EPO employees. It recommended that the appeal be rejected as manifestly unfounded; this recommendation was followed by the decision of 25 April 2025 rejecting his appeal. This is the impugned decision.

2. Article II, paragraphs 1 and 5, of the Statute of the Tribunal provides that the Tribunal shall be competent to hear complaints alleging non-observance, in substance or in form, of the terms of an official's appointment and of the provisions of the staff regulations of the organisation that employs her or him. As the Tribunal has repeatedly stated in its case law, it may be inferred from these provisions that, for a complaint to be receivable, among other requirements, the staff member must have a cause of action (see, for example, Judgments 4926, consideration 2, 4337, consideration 6, 4296, consideration 6, or 3426, consideration 16). The case law has made it clear that a staff member cannot be recognised as having a cause of action unless her or his claims are based on the rights or obligations arising under her or his terms of appointment or the provisions of the staff regulations (see, in particular, Judgments 4926, consideration 2, 4337, consideration 6, 4145, consideration 5, 4048, consideration 5, and 3426, consideration 16) and, for there to be a cause of action, the staff member must demonstrate that the contested administrative action caused injury to her or his health, finances or otherwise, or that it was liable to cause her or him injury (see, for example, Judgments 4926, consideration 2, 4722, consideration 5, 4296, consideration 6, 4007, consideration 4, 3739, consideration 8, and 3168, consideration 9).

3. In the present case, the complainant has no cause of action. He does not derive a right to have an investigation conducted into the alleged unlawful intrusions of his devices – for which, in any event, he provides no evidence – from any term of his appointment or provision of the Service Regulations for permanent employees of the Office.

4. Obviously, there is no reason to open an administrative investigation into facts reported by a staff member unless those facts are such as to cause her or him identifiable injury, which is not the case here.

5. It follows from the foregoing that the complaint must be summarily dismissed as clearly irreceivable in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 27 April 2026, Mr Michael F. Moore, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Ms Rosanna De Nictolis, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 16 July 2026 by video recording posted on the Tribunal's Internet page.

MICHAEL F. MOORE

JACQUES JAUMOTTE

ROSANNA DE NICTOLIS

RENÉ M. VARGAS M.