



VOSSIUS & PARTNER

PATENTANWÄLTE · RECHTSANWÄLTE

Newsflash

On December 12, 2013, the CJEU has handed down its long-awaited decision in case C-484/12 addressing the question as to whether if a basic patent protects several products, the holder is precluded from obtaining an SPC for each product.

As set out by the head note, the CJEU has confirmed that under these circumstances, it is possible to obtain multiple SPCs based on a single patent:

“In circumstances such as those in the main proceedings, where, on the basis of a basic patent and a marketing authorisation for a medicinal product consisting of a combination of several active ingredients, the patent holder has already obtained a supplementary protection certificate for that combination of active ingredients, protected by that patent within the meaning of Article 3(a) of Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products, Article 3(c) of that regulation must be interpreted as not precluding the proprietor from also obtaining a supplementary protection certificate for one of those active ingredients which, individually, is also protected as such by that patent.”

The ruling comes as a big relief as the prior case law of the CJEU suggested that only one single SPC should issue per patent.

MAIN OFFICE MÜNCHEN, GERMANY	BERLIN OFFICE, GERMANY	BASEL OFFICE, SWITZERLAND
SIEBERTSTR. 3, 81675 MÜNCHEN POB 86 07 67, 81634 MÜNCHEN (POSTAL ADDRESS)	JOACHIMSTALER STR. 34, 10719 BERLIN	NADELBERG 3, 4051 BASEL
TEL.: +49 89 413 04-0 / FAX -111, TRADEMARKS FAX -400	TEL.: +49 30 340 609-501 / FAX -512	TEL.: +41 61 5601-490 / FAX -488
info@vossiusandpartner.com · www.vossiusandpartner.com		