European Union

“Actavis Group and Actavis”

Regulation (EC) No 469/2009 Concerning the Supplementary Protection Certificate for Medicinal Products, Art. 3 – *Actavis Group PTC EHf and Actavis UK Ltd v. Sanofi*

**Decision of the European Court of Justice (Third Chamber)
12 December 2013 – Case No. C-443/12**

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1. In circumstances such as those in the main proceedings, where, on the basis of a patent protecting an innovative active ingredient and a marketing authorisation for a medicinal product containing that ingredient as the single active ingredient, the holder of that patent has already obtained a supplementary protection certificate for that active ingredient entitling him to oppose the use of that active ingredient, either alone or in combination with other active ingredients, Article 3(c) 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 must be interpreted as precluding that patent holder from obtaining – on the basis of that same patent but a subsequent marketing authorisation for a different medicinal product containing that active ingredient in conjunction with another active ingredient which is not protected as such by the patent – a second supplementary protection certificate relating to that combination of active ingredients.

Official headnotes.

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