European Union

“Santen”

**Decision of the European Court of Justice (Grand Chamber)
9 July 2020 – Case No. C-673/18 (ECLI:EU:C:2020:531)**

*Santen SAS v. Directeur général de l’Institut national de
la propriété industrielle*

Regulation (EC) No. 469/2009, Art. 3(d)

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Keywords SPC · Conditions for the grant of a certificate · Obtaining the first authorisation to place the product on the market as a medicinal product · Authorisation to place on the market a new therapeutic application of a known active ingredient

1. Article 3(d) 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 meaning that a marketing authorisation cannot be considered to be the first marketing authorisation, for the purpose of that provision, where it covers a new therapeutic application of an active ingredient, or of a combination of active ingredients, and that active ingredient or combination has already been the subject of a marketing authorisation for a different therapeutic application.

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