
Kluwer Patent Blog

Bulgarian Patent Office v. AstraZeneca, Supreme Administrative Court (B????????? ?????????????? ???), 18 October 2011

Ivan Marinov (Delchev & Partners) · Sunday, November 20th, 2011

The Supreme Administrative Court –overruled the Patent Office (PO) denying AstraZeneca’s application for a supplementary protection certificate (SPC), because the PO should have applied § 77(2) – instead of §79 – of the Transitional and Closing Provisions of the Act amending the Bulgarian Patents Act, which does not contains any requirements relating to the product’s date of the first marketing authorization. Furthermore, it rejected the PO’s request for a referral to the European Court of Justice for a preliminary ruling, because the dispute solely concerned national procedural provisions and no community provision was to apply.

Click [here](#) for the full text of this case. A summary of this case will be posted on <http://www.KluwerIPCases.com>.

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