
Kluwer Patent Blog

Medeva v. Comptroller, European Court of Justice, 24 November 2011

Peter Burgers (Brinkhof) · Monday, January 2nd, 2012

The Court of Justice clarified the requirements for grant of an SPC under Articles 3(a) and 3(b) of the SPC Regulation. According to the Court, on the basis of Article 3(a) an SPC cannot be granted for active ingredients not specified in the wording of the claims of the basic patent. With reference to Article 3(b), the Court held that an SPC can be granted for a combination of two active ingredients that correspond to those specified in the wording of the claims of the basic patent even if the medicinal product for which the marketing authorisation is submitted in support of the application for the SPC additionally contains other active ingredients.

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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