

2. Article 12(a) of Directive 95/46 must be interpreted as meaning that, in order to ensure that fees levied when the right to access personal data is exercised are not excessive for the purposes of that provision, the level of those fees must not exceed the cost of communicating such data. It is for the national court to carry out any verifications necessary, having regard to the circumstances of the case.

(¹) OJ C 26, 26.1.2013.

Judgment of the Court (Third Chamber) of 12 December 2013 (request for a preliminary ruling from the High Court of Justice (Chancery Division) — United Kingdom) — Eli Lilly and Company Ltd v Human Genome Sciences Inc

(Case C-493/12) (¹)

(Medicinal products for human use — Supplementary protection certificate — Regulation (EC) No 469/2009 — Article 3 — Conditions for obtaining such a certificate — Concept of a ‘product protected by a basic patent in force’ — Criteria — Wording of the claims of the basic patent — Precision and specificity — Functional definition of an active ingredient — Structural definition of an active ingredient — European Patent Convention)

(2014/C 45/24)

Language of the case: English

Referring court

High Court of Justice (Chancery Division)

Parties to the main proceedings

Applicant: Eli Lilly and Company Ltd

Defendant: Human Genome Sciences Inc

Re:

Interpretation of Article 3(a) and (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 (OJ 2009 L 152, p. 1) — Conditions for obtaining a certificate — Concept of a ‘product protected by a basic patent in force’ — Criteria for assessment — Application of criteria to products not composed of a combination of medicinal products and medical devices

Operative part of the judgment

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 must be interpreted as meaning that, in order for an active ingredient to be regarded as ‘protected by a basic patent in force’ within the meaning

of that provision, it is not necessary for the active ingredient to be identified in the claims of the patent by a structural formula. Where the active ingredient is covered by a functional formula in the claims of a patent issued by the European Patents Office, Article 3(a) of that regulation does not, in principle, preclude the grant of a supplementary protection certificate for that active ingredient, on condition that it is possible to reach the conclusion on the basis of those claims, interpreted *inter alia* in the light of the description of the invention, as required by Article 69 of the Convention on the Grant of European Patents and the Protocol on the interpretation of that provision, that the claims relate, implicitly but necessarily and specifically, to the active ingredient in question, which is a matter to be determined by the referring court.

(¹) OJ C 9, 12.1.2013.

Judgment of the Court (Ninth Chamber) of 5 December 2013 (request for a preliminary ruling from the Landesgericht Salzburg — Austria) — Walter Vapenik v Josef Thurner

(Case C-508/12) (¹)

(Area of freedom, security and justice — Regulation (EC) No 805/2004 — European enforcement order for uncontested claims — Requirements for certification as an enforcement order — Situation in which the judgment was given in the Member State of the creditor in a dispute between two persons not engaged in commercial or professional activities)

(2014/C 45/25)

Language of the case: German

Referring court

Landesgericht Salzburg

Parties to the main proceedings

Applicant: Walter Vapenik

Defendant: Josef Thurner

Re:

Request for a preliminary ruling — Landesgericht Salzburg — Interpretation of Article 6(1)(d) of Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (OJ 2004 L 143, p. 15) — Conditions for certification as an enforcement order in a decision relating to an uncontested claim — Situation in which the decision has been delivered in the creditor’s Member State in a dispute between two consumers.