

Questions referred

Must the principle of equality, which is enshrined in Article 6(3) of the Treaty on the European Union and in Articles 20 and 21 of the Charter of Fundamental Rights of the European Union, in conjunction with Articles 15 and 16 of that Charter and Articles 34 to 36, 56 and 57 of the Treaty on the Functioning of the European Union, be interpreted as precluding rules such as those contained in Articles 8, 9, 16 and 17 of the Law of 10 November 2006 on opening hours in commerce, crafts and services, in so far as the obligation contained in those articles that a weekly closing day be provided for:

- (i) does not apply to traders established in railway stations or in units of establishment of public transport companies, to sales in airports and port areas open to international travel or to sales in petrol stations or units of establishment located in motorway areas, but does apply to traders established in other locations,
- (ii) does not apply to traders engaged in the sale of goods such as newspapers, magazines, tobacco products and smoking accessories, telephone cards and National Lottery products, the sale of audiovisual media and video games and the sale of ice cream, but does apply to traders who offer other goods for sale,
- (iii) applies only to the retail trade, namely to undertakings which are engaged in sales to consumers, whilst it does not apply to other traders,
- (iv) entails, at least for traders who carry out their activity by means of a physical sales point and who are in direct contact with consumers, a significantly larger restriction than for traders who carry out their activity via an online shop or possibly via other forms of distance selling?

Reference for a preliminary ruling from the **Rechtbank 's Gravenhage (Netherlands)**, lodged on 31 October 2012 — **Georgetown University v Octrooicentrum Nederland, operating under the name NL Octrooicentrum**

(Case C-484/12)

(2013/C 26/43)

Language of the case: Dutch

Referring court

Rechtbank 's Gravenhage

Parties to the main proceedings

Applicant: Georgetown University

Defendant: Octrooicentrum Nederland, operating under the name NL Octrooicentrum

Questions referred

1. Does 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, ⁽¹⁾ more particularly Article 3(c) thereof, preclude, in a situation where there is a basic patent in force which protects several products, the holder of the basic patent from being granted a certificate for each of the protected products?
2. If the first question must be answered in the affirmative, how should Article 3(c) of the Regulation be interpreted in the situation where there is one basic patent in force which protects several products, and where, at the date of the application for a certificate in respect of one of the products (A) protected by the basic patent, no certificates had in fact yet been granted in respect of other products (B, C) protected by the same basic patent, but where certificates were nevertheless granted in respect of those applications in respect of the products (B, C) before a decision was made with regard to the application for a certificate in respect of the first-mentioned product (A)?
3. Is it significant for the answer to the previous question whether the application in respect of one of the products (A) protected by the basic patent was submitted on the same date as the applications in respect of other products (B, C) protected by the same basic patent?
4. If the first question must be answered in the affirmative, may a certificate be granted for a product protected by a basic patent which is in force if a certificate had already been granted earlier for another product protected by the same basic patent, but where the applicant surrenders the latter certificate with a view to obtaining a new certificate on the basis of the same basic patent?
5. If the issue of whether the surrender has retroactive effect is relevant for the purpose of answering the previous question, is the question of whether surrender has retroactive effect governed by Article 14(b) of the Regulation or by national law? If the question of whether surrender has retroactive effect is governed by Article 14(b) of the Regulation, should that provision be interpreted to mean that surrender does have retroactive effect?

⁽¹⁾ OJ 2009 L 152, p. 1.

Reference for a preliminary ruling from the **College van Beroep voor het Bedrijfsleven (Netherlands)** lodged on 31 October 2012 — **Maatschap T. van Oosterom en A. van Oosterom-Boelhauer v Staatssecretaris van Economische Zaken, Landbouw en Innovatie**

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