

**Request for a preliminary ruling from the Tribunal Arbitral (Portugal) lodged on 28 October 2013 — Merck Canada Inc. v Accord Healthcare Limited and Others**

(Case C-555/13)

(2014/C 15/11)

*Language of the case: Portuguese*

**Referring court**

Tribunal Arbitral

**Parties to the main proceedings**

*Applicant:* Merck Canada Inc.

*Defendants:* Accord Healthcare Limited, Alter SA, Labochem Ltd, Synthon BV, Ranbaxy Portugal — Comércio e Desenvolvimento de Produtos Farmacêuticos, Unipessoal Lda

**Question referred**

May Article 13 of Regulation No 469/2009 <sup>(1)</sup> be interpreted as permitting, by means of a supplementary protection certificate for medicinal products, the period for exclusive exploitation of the patented invention to be more than fifteen years from the date of the first authorisation to place the medicinal product in question on the market within the Community (not including the extension provided for in Article 13(3) of that regulation)?

<sup>(1)</sup> 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 (Codified version) (OJ 2009 L 152, p. 1).

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 29 October 2013 — Hermann Lutz v Elke Bäuerle as administrator in the insolvency proceedings concerning the assets of ECZ Autohandel GmbH**

(Case C-557/13)

(2014/C 15/12)

*Language of the case: German*

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Defendant and appellant:* Hermann Lutz

*Applicant and respondent:* Elke Bäuerle as administrator in the insolvency proceedings concerning the assets of ECZ Autohandel GmbH

**Questions referred**

1. Is Article 13 of Council Regulation (EC) No 1436/2000 <sup>(1)</sup> of 29 May 2000 on insolvency proceedings, [the Insolvency Regulation] applicable if the payment challenged by the insolvency administrator of a sum attached before the opening of the insolvency proceedings was made only after the opening of the proceedings?
2. If the reply to the first question is in the affirmative: does the defence under Article 13 of the Insolvency Regulation also apply to limitation periods or other time-bars relating to actions to set aside transactions under the law which governs the dispute concerning the contested legal transaction (*lex causae*)?
3. If the reply to the second question is in the affirmative: are the relevant procedural requirements for asserting a claim for the purpose of Article 13 of the Insolvency Regulation also to be determined according to the *lex causae* or by the *lex fori concursus*?

<sup>(1)</sup> OJ 2000 L 160, p. 1

**Request for a preliminary ruling from the Hovrätten för västra Sverige (Sweden) lodged on 4 November 2013 — Kammaråklagaren v Ove Ahlström, Lennart Kjellberg, Fiskeri AB Ganthi and Fiskeri AB Nordic**

(Case C-565/13)

(2014/C 15/13)

*Language of the case: Swedish*

**Referring court**

Hovrätten för västra Sverige

**Parties to the main proceedings**

*Applicant:* Kammaråklagaren

*Defendants:* Ove Ahlström, Lennart Kjellberg, Fiskeri AB Ganthi and Fiskeri AB Nordic