

2. In a case like the present one involving a medicinal product comprising more than one active ingredient, are there further or different criteria for determining whether or not 'the product is protected by a basic patent' according to Art 3(a) of the Regulation and, if so, what are those further or different criteria?
3. In order for a combination of active ingredients cited in an authorisation for placing a medicinal product on the market to be the subject of an SPC, and having regard to the wording to Article 4 of the Regulation, is the condition that the product be 'protected by a basic patent' within the meaning of Articles 1 and 3 of the Regulation satisfied if the product infringes the basic patent under national law?
4. In order for a combination of active ingredients cited in an authorisation for placing a medicinal product on the market to be the subject of an SPC, and having regard to the wording to Article 4 of the Regulation, does satisfaction of the condition that the product be 'protected by a basic patent' within the meaning of Articles 1 and 3 of the Regulation depend upon whether the basic patent contains one (or more) claims which specifically mention a combination of (1) a class of compounds which includes one of the active ingredients in the said product and (2) a class of further active ingredients which may be unspecified but which includes the other active ingredient in the said product; or is it sufficient that the basic patent contains one (or more) claims which (1) claim a class of compounds which includes one of the active ingredients in the said product and (2) use specific language which as a matter of national law extends the scope of protection to include the presence of further other unspecified active ingredients including the other active ingredient in the said product?

⁽¹⁾ OJ L 152, p. 1

Action brought on 11 January 2011 — European Commission v Republic of Estonia

(Case C-16/11)

(2011/C 63/43)

Language of the case: Estonian

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and E. Randvere, acting as Agents)

Defendant: Republic of Estonia

Form of order sought

— declare that, by failing to adopt all the necessary legal provisions to transpose Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community, ⁽¹⁾ or by failing to notify them to the Commission, the Republic of Estonia has failed to fulfil its obligations under the directive;

— order the Republic of Estonia to pay the costs.

Pleas in law and main arguments

The period for transposing the directive into national law expired on 15 May 2009.

⁽¹⁾ OJ 2007 L 108, p. 1.

Order of the President of the Court of 1 December 2010 (reference for a preliminary ruling from the Tribunale Amministrativo Regionale della Campania (Italy)) — Lucio Rubano v Regione Campania, Comune di Cusano Mutri

(Case C-60/09) ⁽¹⁾

(2011/C 63/44)

Language of the case: Italian

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 90, 18.4.2009.

Order of the President of the Eighth Chamber of the Court of 7 December 2010 — (reference for a preliminary ruling from the Bezirksgericht Ried i.L. (Austria)) — Criminal proceedings against Antonio Formato, Lenka Rohackova, Torsten Kuntz, Gardel Jong Aten, Hubert Kanatschnig, Jarmila Szabova, Zdenka Powerova, Nousia Nettuno

(Case C-116/09) ⁽¹⁾

(2011/C 63/45)

Language of the case: German

The President of the Eighth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 129, 6.6.2009.

Order of the President of the Court of 30 November 2010 (reference for a preliminary ruling from the Juzgado Mercantil (Spain)) — Entidad de Gestión de Derechos de los Productores Audiovisuales (EGEDA) v Magnatrading SL

(Case C-387/09) ⁽¹⁾

(2011/C 63/46)

Language of the case: Spanish

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 312, 19.12.2009.