

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Hæstiréttur Íslands dated 12 June 2017 in the case of Merck Sharp & Dohme Corp. v the Icelandic Patent Office (Einkaleyfastofan)

(Case E-5/17)

A request has been made to the EFTA Court by a letter dated 12 June 2017 from Hæstiréttur Íslands (the Supreme Court of Iceland), which was received at the Court Registry on 15 June 2017, for an Advisory Opinion in the case of Merck Sharp & Dohme Corp. v the Icelandic Patent Office (Einkaleyfastofan) on the following question:

In the light of the fact that Regulation (EC) No. 1901/2006 and Regulation (EC) No. 469/2009 have not been incorporated into the Agreement on the European Economic Area, can a supplementary protection certificate under Regulation (EEC) No. 1768/92 be issued for a medicinal product if the period which has elapsed between the date on which the application for a basic patent was lodged and the date of the first authorisation to place the product on the market in the European Economic Area is less than five years?