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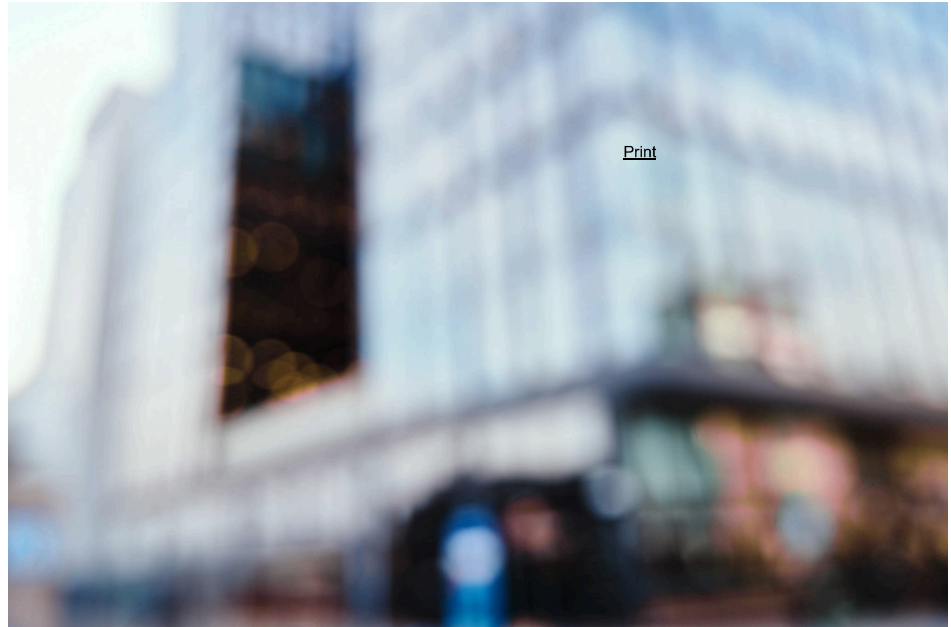
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Photo: Knut Capra Pedersen

17 Dec 2024

Calculation of Supplementary Protection Certificate

In a decision (PMÄ 7804-24) dated the 11th of November 2024, The Patent and Market Court (PMD) states that article 13 in the Regulation of supplementary protection certificates means that the duration of a certificate shall reflect the time between the filing date of the patent application, including the filing day, and the approval date for marketing the product.

The calculation method expressed by PMD generates one extra day of protection compared to the earlier calculation method applied by PRV, however, the duration can never exceed the maximum of 5 years.

PRV applies the new calculation method for all pending applications of supplementary protection certificates. A holder of an already granted certificate can call for correction of the duration by filing a written request to PRV. Please note that the new calculation method has no effect on certificates already reaching the maximum duration of 5 years.

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