

BLO/050/09

20 February 2009

## COUNCIL REGULATION (EC) 1768/92 CONCERNING THE CREATION OF A SUPPLEMENTARY PROTECTION CERTIFICATE FOR MEDICINAL PRODUCTS

APPLICANT Massachusetts Institute of Technology (MIT)

ISSUE

Whether granted SPC number SPC/GB/01/013 is invalid under Article 15(1)(a) of Council Regulation (EEC) 1768/92

HEARING OFFICER

Dr L Cullen

## DECISION

- An Official letter dated 18 May 2007 explained that Supplementary Protection Certificate number SPC/GB/01/013 in the name of Massachusetts Institute of Technology (MIT) ("the holder") had been granted contrary to the conditions laid down by Article 3 of Council Regulation (EEC) No. 1768/92 ("the Regulation"). As a consequence, the holder was informed that this certificate was considered to be invalid under Article 15(1)(a) of the Regulation and that the Office would not accept any fees should the applicant attempt to pay them. The holder was asked to make any observations and/or invited to request a hearing.
- 2. The holder did not respond to the Official letter dated 18 May 2007 within the period specified for reply nor did they request a hearing. In a further Official letter dated 10 September 2007, the holder was given an additional opportunity to respond to the objections raised in the earlier letter. This further letter also stated that if no response was received by 11 October 2007, a Hearing Officer acting for the Comptroller would decide whether the application should be declared invalid.
- 3. The holder did not respond within the specified period and did not ask to be

heard. In the absence of any response from the holder, I am satisfied that the conditions of Article 15(1)(a) of the Regulation have been met and that granted Supplementary Protection Certificate number SPC/GB/01/013 is invalid.

## Appeal

4. Under the Practice Direction to Part 52 of the Civil Procedure Rules, any appeal against this decision must be lodged within 28 days

## Dr L Cullen

Deputy Director acting for the Comptroller