

**Request for a preliminary ruling from the Fővárosi Törvényszék (Hungary) lodged on 14 September 2016 — Incyte Corporation v Szellemi Tulajdon Nemzeti Hivatala**

(Case C-492/16)

(2016/C 454/30)

*Language of the case: Hungarian*

**Referring court**

Fővárosi Törvényszék

**Parties to the main proceedings**

*Applicant:* Incyte Corporation

*Defendant:* Szellemi Tulajdon Nemzeti Hivatala

**Questions referred**

1. Must Article 17(2) of Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products <sup>(1)</sup> be interpreted as meaning that ‘the date of the first authorization to place the product on the market in the Community’ is incorrect in an application for a supplementary protection certificate, within the meaning of that regulation and of 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, <sup>(2)</sup> where that date was determined without taking account of the Court of Justice’s interpretation of the law in the judgment in *Seattle Genetics* (Case C-471/14), with the result that it is appropriate to rectify the date of expiry of the supplementary protection certificate even if the decision to grant that certificate was made prior to that judgment and the time limit for appealing against that decision has already expired?
2. Is the industrial property authority of a Member State which is entitled to grant a supplementary protection certificate required to rectify, of its own motion, the date of expiry of that certificate in order to ensure that that certificate complies with the interpretation of the law set out in Case C-471/14?

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<sup>(1)</sup> OJ 1996, L 198, p. 30.

<sup>(2)</sup> OJ 2009, L 152, p. 1.

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**Request for a preliminary ruling from the Tribunale Amministrativo Regionale della Campania (Italy) lodged on 14 September 2016 — Sicurbau Srl and Others v Ministero delle Infrastrutture e dei Trasporti and Others**

(Case C-493/16)

(2016/C 454/31)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale della Campania

**Parties to the main proceedings**

*Applicants:* Sicurbau Srl, IGR — Imprese Generali Riunite Srl, Iterga Costruzioni Generali SpA, Pa.Co. — Pacifico Costruzioni SpA

*Defendants:* Ministero delle Infrastrutture e dei Trasporti, Autorità Portuale di Napoli, Soa Rina SpA