

- (a) the requested Member State is also a party to the legal proceedings concerning the restitution to the insolvency estate of sums paid following a recovery, or
- (b) that the involvement of the requested State is limited to the recovery of the debt by enforcement and the lodgement of the claim in the insolvency proceedings, and that it is the applicant State which is the defendant in a request for recovery concerning the extent of the assets covered by the liquidation?
2. Must the directive be interpreted as meaning that the debts of another Member State are to be recovered using the same means, while remaining separate and distinct from the assets of the requested State, or must the directive be interpreted as meaning that those debts are to be recovered together with the debts of the requested State, in which case they are merged with the debts of the requested State. In other words: does the directive aim exclusively to prohibit the discrimination of debts of another Member State?
3. Is it possible for a dispute concerning restitution of assets to the insolvency estate to be treated as a dispute concerning the enforcement measures within the meaning of Article 14(2), and can it be inferred that, according to the directive, the requested State is also a defendant in such a dispute?

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<sup>(1)</sup> Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ 2010 L 84, p. 1).

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**Request for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on 15 December 2017 — D. H. v Ministerstvo vnitra**

(Case C-704/17)

(2018/C 083/18)

*Language of the case: Czech*

**Referring court**

Nejvyšší správní soud

**Parties to the main proceedings**

*Applicant:* D. H.

*Defendant:* Ministerstvo vnitra

**Question referred**

Does the interpretation of Article 9 of Directive 2013/33/EU<sup>(1)</sup> of the European Parliament and of the Council (OJ 2013 L 180, p. 96) in conjunction with Articles 6 and 47 of the Charter of Fundamental Rights of the European Union preclude national legislation which does not allow the Nejvyšší správní soud (Supreme Administrative Court) to review a judicial decision concerning detention of a foreign national after the foreign national has been released from detention?

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<sup>(1)</sup> OJ 2013 L 180, p. 96.

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**Request for a preliminary ruling from the Svea hovrätt (Sweden) lodged on 15 December 2017 — Patent-och registreringsverket v Mats Hansson**

(Case C-705/17)

(2018/C 083/19)

*Language of the case: Swedish*

**Referring court**

Svea hovrätt

**Parties to the main proceedings**

*Applicant:* Patent-och registreringsverket

*Defendant:* Mats Hansson

**Questions referred**

1. Must Article 4(1)(b) of the Trade Marks Directive <sup>(1)</sup> be interpreted as meaning that the global assessment of all relevant factors which is to be made in an assessment of the likelihood of confusion may be affected by the fact that an element of the trade mark has expressly been excluded from protection on registration, that is to say, that a so-called disclaimer has been entered on registration?
2. If the answer to the first question is in the affirmative, can the disclaimer in such a case affect the global assessment in such a way that the competent authority has regard to the element in question but gives it a more limited importance so that it is not regarded as being distinctive, even if the element would de facto be distinctive and prominent in the earlier trade mark?
3. If the answer to the first question is in the affirmative and the answer to the second question in the negative, can the disclaimer even so affect the global assessment in any other way?

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<sup>(1)</sup> Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (OJ 2008, L 299, p. 25).

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**Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 22 December 2017 —****A****(Case C-716/17)****(2018/C 083/20)***Language of the case: Danish***Referring court**

Østre Landsret

**Parties to the main proceedings**

*Applicants:* A

**Questions referred**

1. Does Article 45 TFEU, as interpreted following the EU Court of Justice's judgment of 8 November 2012 in Case C-461/11, <sup>(1)</sup> preclude a rule on jurisdiction such as the Danish one, the aim of which is to ensure *that* the court hearing a case involving debt relief has knowledge of and can take account in its assessment of the specific socio-economic situation in which the debtor and his or her family live and must be assumed will continue to live going forward, and *that* the assessment may be carried out according to previously-determined criteria establishing what can be deemed to be an acceptably modest standard of living under the debt relief arrangement?

If the answer to question 1 is that the restriction cannot be held to be justified, the EU Court of Justice is asked to answer the following question: