

**Parties to the main proceedings**

*Applicant:* Christa Plessers

*Defendants:* PREFACO NV, Belgische Staat

**Operative part of the judgment**

Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, in particular Articles 3 to 5 thereof, must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which, in the event of the transfer of an undertaking which has taken place in the context of proceedings for judicial restructuring by transfer under judicial supervision applied with a view to maintaining all or part of the transferor or its activity, entitles the transferee to choose the employees which it wishes to keep on

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<sup>(1)</sup> OJ C 374, 6.11.2017.

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**Judgment of the Court (Fifth Chamber) of 15 May 2019 — VM Vermögens-Management GmbH v European Union Intellectual Property Office (EUIPO), DAT Vermögensmanagement GmbH**

(Case C-653/17 P) <sup>(1)</sup>

*(Appeal — EU trade mark — Regulation (EC) No 207/2009 — Regulation (EU) 2015/2424 — Invalidity proceedings — Word mark Vermögensmanufaktur — Declaration of invalidity — Right to a fair hearing — Examination of the facts by EUIPO of its own motion — Retrospectivity — Jurisdiction of the General Court — Statement of reasons for judgments)*

(2019/C 255/06)

*Language of the case: German*

**Parties**

*Appellant:* VM Vermögens-Management GmbH (represented by: T. Dolde and P. Homann, Rechtsanwälte)

*Other parties to the proceedings:* European Union Intellectual Property Office (EUIPO) (represented by: S. Hanne, acting as Agent), DAT Vermögensmanagement GmbH

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders VM Vermögens-Management GmbH to bear its own costs and to pay the costs incurred by the European Union Intellectual Property Office (EUIPO).

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<sup>(1)</sup> OJ C 94, 12.3.2018.