

2. refer the case back to the General Court;
3. order EUIPO to pay the appellant's costs;

In the alternative: order that the costs be reserved.

Grounds of appeal and main arguments

By the present appeal, the appellant claims that the General Court, in the judgment under appeal, infringed the EU trade mark Regulation ⁽¹⁾ in several ways.

First, the appellant claims that the General Court infringed the first alternative set out in the first sentence of Article 58(1)(a) of the EU trade mark Regulation. The General Court, it submits, erred in law in assuming that use of a registered EU trade mark for a medicinal product for the purpose of preserving the rights in that trade mark can exist only where the necessary authorisation under the law relating to medicinal products has been issued. Moreover, the General Court also infringed that same rule by classifying the use of an EU trade mark in the context of a clinical study carried out in accordance with Article 8(3)(i) of Directive 2001/83/EC ⁽²⁾ as inherently mandatory and therefore as not constituting genuine use.

Furthermore, the appellant alleges infringement of the second alternative set out in the first sentence of Article 58(1)(a) of the EU trade mark Regulation. The General Court, it submits, erred in law in assuming that a clinical study carried out for the purposes of preparing an application for authorisation of a new medicinal product under the law governing medicinal products cannot then be used to justify the non-use of a trade mark if the clinical study was not applied until a significant amount of time had elapsed since registration of the trade mark and/or if the financial resources spent were not sufficient to enable the clinical study to be completed as rapidly as possible.

⁽¹⁾ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ 2017 L 154, p. 1).

⁽²⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67).

Request for a preliminary ruling from the Helsingin käräjäoikeus (Finland) lodged on 12 December 2017 — Metirato Oy, in liquidation v Finnish State / Tax Authority, Estonian State / Maksu- ja Tolliamet

(Case C-695/17)

(2018/C 083/17)

Language of the case: Finnish

Referring court

Helsingin käräjäoikeus

Parties to the main proceedings

Applicant: Metirato Oy, in liquidation

Defendants: Finnish State / Tax Authority, Estonian State / Maksu- ja Tolliamet

Questions referred

1. Must the provisions of Article 13(1) of [Directive 2010/24] ⁽¹⁾, according to which debts to be recovered pursuant to a request for recovery are to be treated by the requested State as being the debts of that State, be interpreted as meaning that

- (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?

⁽¹⁾ 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).

**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⁽¹⁾ 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?

⁽¹⁾ OJ 2013 L 180, p. 96.

**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