

Parties to the main proceedings

Applicant: Nalini Chenchooliah

Defendant: Minister for Justice and Equality

Operative part of the judgment

Article 15 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, is to be interpreted as being applicable to a decision to expel a third-country national on the ground that that person no longer has a right of residence under the directive in a situation, such as that at issue in the main proceedings, where the third-country national concerned married a Union citizen at a time when that citizen was exercising his right to freedom of movement by moving to and residing with that third-country national in the host Member State and, subsequently, the Union citizen returned to the Member State of which he is a national. It follows that the relevant safeguards laid down in Articles 30 and 31 of Directive 2004/38 are applicable when such an expulsion decision is adopted and it is not possible, under any circumstances, for such a decision to impose a ban on entry into the territory.

(¹) OJ C 152, 30.4.2018.

Judgment of the Court (Fifth Chamber) of 12 September 2019 — Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ v European Union Intellectual Property Office (EUIPO), Joaquín Nadal Esteban

(Case C-104/18 P) (¹)

(Appeal — EU trade mark — Regulation (EC) No 207/2009 — Absolute grounds for invalidity — Article 52(1)(b) — Bad faith at the time that an application for a trade mark is filed)

(2019/C 383/19)

Language of the case: English

Parties

Appellant: Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ (represented by: J. Güell Serra and E. Stoyanov Edisonov, abogados)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO) (represented by: J. Crespo Carrillo, acting as Agent), Joaquín Nadal Esteban (represented by: J.L. Donoso Romero, abogado)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 30 November 2017, *Koton Mağazacılık Tekstil Sanayi ve Ticaret v EUIPO — Nadal Esteban (STYLO & KOTON)* (T-687/16, EU:T:2017:853).
2. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 14 June 2016 (Case R 1779/2015-2).

3. Rejects the claim that the contested mark should be declared invalid.
4. Orders Mr Joaquín Nadal Esteban and the European Union Intellectual Property Office (EUIPO) to pay, in equal parts, the costs incurred by Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ both of the proceedings at first instance in Case T-687/16 and of the appeal.

(¹) OJ C 152, 30.4.2018.

Judgment of the Court (Grand Chamber) of 10 September 2019 — HTTS Hanseatic Trade Trust & Shipping GmbH v Council of the European Union, European Commission

(Case C-123/18 P) (¹)

(Appeal — Common foreign and security policy — Restrictive measures against the Islamic Republic of Iran — Compensation for the damage allegedly suffered by the appellant following its inclusion in the list of persons and entities subject to the freezing of funds and economic resources — Action for damages — Conditions which must be met in order for the European Union to incur non-contractual liability — Concept of ‘sufficiently serious breach of a rule of EU law’ — Assessment — Concept of ‘company owned or controlled’ — Obligation to state reasons)

(2019/C 383/20)

Language of the case: German

Parties

Appellant: HTTS Hanseatic Trade Trust & Shipping GmbH (represented by M. Schlingmann, Rechtsanwalt)

Other parties to the proceedings: Council of the European Union (represented by J.-P. Hix and M. Bishop, acting as Agents), European Commission (represented initially by R. Tricot, M. Kellerbauer and C. Zadra, and subsequently by R. Tricot, C. Hödlmayr and C. Zadra, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 13 December 2017, HTTS v Council (T-692/15, EU:T:2017:890);
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

(¹) OJ C 161, 7.5.2018.