

**Judgment of the General Court of 29 November 2017 — Montel v Parliament**(Case T-634/16) <sup>(1)</sup>

*(Rules governing the payment of expenses and allowances to Members of the European Parliament — Parliamentary assistance allowance — Recovery of sums wrongfully paid — Power of the Secretary-General — Electa una via — Rights of the defence — Burden of proof — Obligation to state reasons — Legitimate expectations — Political rights — Equal treatment — Misuse of power — Independence of the Members — Error of fact — Proportionality)*

(2018/C 022/50)

Language of the case: French

**Parties**

*Applicant:* Sophie Montel (Saint-Vit, France) (represented by: G. Sauveur, lawyer)

*Defendant:* European Parliament (represented by: G. Corstens and S. Seyr, acting as Agents)

*Intervener in support of the defendant:* Council of the European Union (represented by: M. Bauer, R. Meyer and A. Jensen, acting as Agents)

**Re:**

Application on the basis of Article 263 TFEU seeking the annulment of the decision of the Secretary-General of the Parliament of 24 June 2016 concerning the recovery of a sum of EUR 77 276,42 wrongfully paid as parliamentary assistance allowance, of the notification and measures implementing that decision contained in the letters of the Director-General for Finance of the Parliament of 5 and 6 July 2016 and the debit note of 4 July 2016 relating thereto and application on the basis of Article 268 TFEU seeking compensation of the loss which the applicant allegedly suffered due, in particular, to that decision.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Secretary-General of the Parliament of 24 June 2016 concerning the recovery from Ms Sophie Montel of a sum of EUR 77 276,42 wrongfully paid as parliamentary assistance allowance and the debit note of 4 July 2016 relating thereto insofar as they concern sums paid between February and April 2015;
2. Dismisses the remainder of the action;
3. Orders Ms Montel, the European Parliament and the Council of the European Union each to bear their own costs.

<sup>(1)</sup> OJ C 383, 17.10.2016.

**Judgment of the General Court of 30 November 2017 — Koton Mağazacılık Tekstil Sanayi ve Ticaret v EUIPO — Nadal Esteban (STYLO & KOTON)**(Case T-687/16) <sup>(1)</sup>

*(EU trade mark — Invalidity proceedings — EU figurative mark STYLO & KOTON — Absolute ground for refusal — Article 52(1)(b) of (EC) Regulation No 207/2009 (now Article 59(1)(b) of (EU) Regulation 2017/1001) — No bad faith)*

(2018/C 022/51)

Language of the case: English

**Parties**

*Applicant:* Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ (Istanbul, Turkey) (represented by: J. Güell Serra and E. Stoyanov Edisonov, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Joaquín Nadal Esteban (Alcobendas, Spain) (represented by: J. Donoso Romero, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 14 June 2016 (Case R 1779/2015-2), relating to invalidity proceedings between Koton Mağazacılık Tekstil Sanayi ve Ticaret and Mr Nadal Esteban.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ to pay the costs.

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<sup>(1)</sup> OJ C 410, 7.11.2016.

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**Judgment of the General Court of 30 November 2017 — Hanso Holding v EUIPO (REAL)**

(Case T-798/16) <sup>(1)</sup>

**(EU trade mark — Application for the EU figurative mark REAL — Absolute grounds for refusal — Descriptive character — No distinctive character — No distinctive character acquired through use — Article 7(1)(b) and (c) and (3) of Regulation (EC) No 207/2009 [now Article 7(1)(b) and (c) and (3) of Regulation (EU) 2017/1001])**

(2018/C 022/52)

*Language of the case:* English

**Parties**

*Applicant:* Hanso Holding AS (Tromsø, Norway) (represented by: M. Wirtz, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: L. Rampini, acting as Agent)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 2 September 2016 (Case R 2405/2015-2), relating to the application for registration of the figurative sign REAL as a European Union trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Hanso Holding AS to pay the costs.

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<sup>(1)</sup> OJ C 6, 9.1.2017.