

If the answer is in the affirmative:

Must Article 23(5) of that regulation be interpreted as not referring to a clause conferring jurisdiction on a State that is not a Member State of the European Union, so that the court seised pursuant to Article 2 of the regulation will determine jurisdiction according to the rules of private international law in its own national legislation?

Can a dispute relating to the enforcement, through the courts, of the obligation to assign rights to a trade mark registered in a Member State of the European Union, assumed under a contract between the parties to that dispute, be regarded as referring to a right 'required to be deposited or registered' within the meaning of Article 22(4) of the regulation, having regard to the fact that, under the law of the State in which the trade mark is registered, the assignment of rights to a trade mark must be entered in the Trade Mark Register and published in the Official Industrial Property Bulletin?

If the answer is in the negative, does Article 24 of the regulation preclude a court seised pursuant to Article 2 of the regulation, in a situation such as that described in the above question, from declaring that it does not have jurisdiction to determine the case, even though the defendant has entered an appearance before that court, including in the final instance, without contesting jurisdiction?

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<sup>(1)</sup> OJ 2001 L 12, p. 1.

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**Request for a preliminary ruling from the Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco (Spain) lodged on 23 April 2015 — Florentina Martínez Andrés v Servicio Vasco de Salud**

(Case C-184/15)

(2015/C 236/34)

*Language of the case: Spanish*

**Referring court**

Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco

**Parties to the main proceedings**

*Appellant:* Florentina Martínez Andrés

*Respondent:* Servicio Vasco de Salud

**Questions referred**

1. Must clause 5(1) of the Framework Agreement<sup>(1)</sup> on fixed-term work concluded by ETUC, UNICE and CEEP be interpreted as precluding national legislation which, in a situation of abuse arising from the use of fixed-term employment contracts, does not acknowledge that staff regulated under administrative law who are engaged on an occasional basis (*personal estatutario temporal eventual*) ('occasional regulated staff'), as opposed to staff who are in precisely the same position but who are employed by a public authority under contract, have a general right to remain in post on an indefinite but not permanent basis, in other words, to hold the temporary post until it is filled in the manner prescribed by law or eliminated in accordance with legally established procedures?

2. If the previous question is answered in the negative, must the principle of equivalence be interpreted as meaning that the national court may regard the situation of staff who are employed by a public authority under a fixed-term contract and that of occasional regulated staff as similar in cases where there has been misuse of fixed-term employment contracts, or, when assessing similarity, must the national court consider factors other than the fact that the employer is the same, the services provided are the same or similar and the contract of employment has a fixed term, such as the precise nature of the employee's relationship, whether contractual or regulated, or the power of the public authorities to organise the way they function, which justify treating the two situations differently?

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<sup>(1)</sup> Annex to Council Directive 1999/70/EC of 28 June 1999 (OJ 1999 L 175, p. 43).

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**Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 24 April 2015 — T. D. Rease, P. Wullems; other party: College bescherming persoonsgegevens**

(Case C-192/15)

(2015/C 236/35)

*Language of the case: Dutch*

**Referring court**

Raad van State

**Parties to the main proceedings**

*Appellants:* T.D. Rease, P. Wullems

*Other party:* College bescherming persoonsgegevens

**Questions referred**

1. Does an instruction to employ equipment for the processing of personal data within the territory of a Member State, issued outside the EU by a controller, within the meaning of Article 2(d) of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31), to a detective agency established within the EU, come within the notion of 'making use of equipment' within the meaning of Article 4(1)(c) of that directive?
2. Does Directive 95/46/EC, in particular Article 28(3) and (4) thereof, given the objective of that directive, allow the national authorities the latitude, when enforcing the protection of individuals by the supervisory authorities provided for in that directive, to set priorities which result in such enforcement not taking place in the case where only an individual or a small group of persons submits a complaint alleging a breach of that directive?

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**Request for a preliminary ruling from the Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco (Spain) lodged on 29 April 2015 — Juan Carlos Castrejana López v Ayuntamiento de Vitoria**

(Case C-197/15)

(2015/C 236/36)

*Language of the case: Spanish*

**Referring court**

Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco