

2. Orders Romania to pay the costs.

⁽¹⁾ OJ C 146, 4.5.2015.

Judgment of the Court (Fourth Chamber) of 21 July 2016 — Apple and Pear Australia Ltd, Star Fruits Diffusion v European Union Intellectual Property Office, Carolus C. BVBA

(Case C-226/15 P) ⁽¹⁾

(Appeal — EU trade mark — Application for EU word mark English pink — Opposition by the proprietor of the word mark PINK LADY and the figurative marks including the word elements ‘Pink Lady’ — Opposition dismissed — Decision of an EU trade mark court — Alteration — Res judicata)

(2016/C 343/09)

Language of the case: French

Parties

Appellants: Apple and Pear Australia Ltd, Star Fruits Diffusion (represented by: T. de Haan, avocat, and P. Péters, advocaat)

Other party to the proceedings: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, Agent), Carolus C. BVBA

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Apple and Pear Australia Ltd and Star Fruits Diffusion to pay the costs.

⁽¹⁾ OJ C 254, 3.8.2015.

Judgment of the Court (Tenth Chamber) of 20 July 2016 (request for a preliminary ruling from the Verwaltungsgericht Wien — Austria) — Hans Maschek v Magistratsdirektion der Stadt Wien — Personalstelle Wiener Stadtwerke

(Case C-341/15) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Directive 2003/88/EC — Article 7 — Right to paid annual — Retirement at the request of the party concerned — Worker failing to use up all his entitlement to annual paid leave before the termination of his work relations — National legislation excluding allowance in lieu of paid annual leave not taken — Sick leave — Public servants)

(2016/C 343/10)

Language of the case: German

Referring court

Verwaltungsgericht Wien

Parties to the main proceedings

Appellant: Hans Maschek

Respondent: Magistratsdirektion der Stadt Wien — Personalstelle Wiener Stadtwerke