

Parties to the main proceedings

Applicants: Presidenza del Consiglio dei Ministri, Università degli Studi di Palermo, Ministero della Salute, Ministero dell'Istruzione, dell'Università e della Ricerca Ministero del Tesoro

Defendants: Gianni Pantuso, Angelo Tralongo, Maria Michela D'Alessandro, Nello Grassi, Carmela Amato (C-616/16), Giovanna Castellano, Maria Concetta Pandolfo, Antonio Marletta, Vito Mannino, Olga Gagliardo, Emilio Nardi, Maria Catania, Massimo Gallucci, Giovanna Pischedda, Giambattista Gagliardo (C-617/16)

Operative part of the judgment

1. Article 2(1)(c), Article 3(1) and (2) and the Annex to Council Directive 75/363/EEC of 16 June 1975 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors, as amended by Council Directive 82/76/EEC of 26 January 1982, must be interpreted as meaning that any period of full-time or part-time specialist medical training begun in 1982 and continued up to 1990 must be subject to appropriate remuneration, within the meaning of that Annex, provided that that training concerns a medical speciality common to all the Member States or to two or more of them and is referred to in Articles 5 or 7 of Council Directive 75/362/EEC of 16 June 1975 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services.
2. Article 2(1)(c), Article 3(1) and (2) and the Annex to Directive 75/363, as amended by Directive 82/76, must be interpreted as meaning that the existence of the obligation, for a Member State, to provide appropriate remuneration, within the meaning of that Annex, for any period of full-time or part-time specialist medical training begun in 1982 and continued up to 1990, does not depend on the adoption, by that Member State, of measures transposing Directive 82/76. The national court is required, when it applies provisions of national law adopted either before or after a directive, to interpret them as far as possible in the light of the wording and the purpose of those directives. Where, owing to the absence of national measures transposing Directive 82/76, the result prescribed by that directive cannot be achieved by interpretation, by taking account of the entirety of domestic law and applying the methods of interpretation recognised by it, EU law requires the Member State concerned to make good damage caused to individuals through failure to transpose that directive. It is for the referring court to determine whether all the conditions laid down in that regard by the case-law of the Court of Justice are met for the Member State to have incurred liability under EU law.
3. Article 2(1)(c), Article 3(1) and (2) and the Annex to Directive 75/363, as amended by Directive 82/76, must be interpreted as meaning that appropriate remuneration, within the meaning of that Annex, for any period of full-time or part-time specialist medical training begun in 1982 and continued up to 1990 must be paid for the period of that training from 1 January 1983 and until the end of that training.

⁽¹⁾ OJ C 63, 27.2.2017.

Judgment of the Court (First Chamber) of 24 January 2018 — European Union Intellectual Property Office (EUIPO) v European Food SA, Société des produits Nestlé SA

(Case C-634/16 P) ⁽¹⁾

(Appeal — EU trade mark — Invalidity proceedings — Word mark FITNESS — Dismissal of the application for a declaration of invalidity)

(2018/C 104/11)

Language of the case: English

Parties

Appellant: European Union Intellectual Property Office (EUIPO) (represented by: M. Rajh, acting as Agent)

Other parties to the proceedings: European Food SA (represented by: I. Speciac, avocat), Société des produits Nestlé SA (represented by: A. Jaeger-Lenz and S. Cobet-Nüse, Rechtsanwältinnen and by A. Lambrecht, Rechtsanwalt)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the European Union Intellectual Property Office (EUIPO) to pay the costs.

⁽¹⁾ OJ C 86, 20.3.2017.

Request for a preliminary ruling from the Amtsgericht Hannover (Germany) lodged on 9 June 2017 — Petra Dziatkowiak, Thomas Erich Heinz Dziatkowiak v TUIfly GmbH

(Case C-352/17)

(2018/C 104/12)

Language of the case: German

Referring Court

Amtsgericht Hannover

Parties to the main proceedings

Applicants: Petra Dziatkowiak, Thomas Erich Heinz Dziatkowiak

Defendant: TUIfly GmbH

The case was removed from the Register of the Court of Justice by order of the Court of 24 November 2017.

Appeal brought on 13 September 2017 by Thomas Murphy against the judgment of the General Court (Fifth Chamber) delivered on 4 July 2017 in Case T-90/16: Murphy v EUIPO

(Case C-538/17 P)

(2018/C 104/13)

Language of the case: English

Parties

Appellant: Thomas Murphy (represented by: N. Travers SC, J. Gormley, BL, M. O'Connor, Solicitor)

Other parties to the proceedings: European Union Intellectual Property Office, Nike Innovate CV

By order of 30 January 2018 the Court of Justice (Ninth Chamber) held that the appeal was inadmissible.
