

— order the defendant to pay all the costs, including those of the present appeal.

Pleas in law and main arguments

In support of the appeal, the appellant relies on a single plea in law alleging an infringement of Article 81 of the Rules of Procedure of the Civil Service Tribunal, alleging that the CST exceeded the scope of its powers of judicial review, breach of the duty to state reasons, distortion of the facts of the case and substantive inaccuracies in the findings in the documents in the file by the CST.

Action brought on 20 February 2015 — Swatch v OHIM — L’atelier Wysiwyg (wysiwatch WhatYouSeelsTheWatchYouGet)

(Case T-83/15)

(2015/C 127/46)

Language in which the application was lodged: English

Parties

Applicant: Swatch AG (Biel, Switzerland) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal: L’atelier Wysiwyg (Besançon, France)

Details of the proceedings before OHIM

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community figurative mark containing the word elements ‘wysiwatch’ and ‘WhatYouSeelsTheWatch-YouGet’ — Application for registration No 11 041 597

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of OHIM of 4 December 2014 in Case R 1873/2014-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and L’atelier Wysiwyg to pay the costs.

Plea(s) in law

- Infringement of Article 8(5) of Regulation No 207/2009.

Action brought on 19 February 2015 — AEDEC v Commission

(Case T-91/15)

(2015/C 127/47)

Language of the case: Spanish

Parties

Applicant: Asociación Española para el Desarrollo de la Epidemiología Clínica AEDEC (Madrid, Spain) (represented by: R. López López, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the decision of the European Commission's Directorate-General for Research and Innovation, Directorate E (Health), received on 4 September 2014, refusing to grant the financial contribution sought by the applicants in the call for tenders procedure H2020-HCO-2014, and reevaluate the merits of the project.

Pleas in law and main arguments

In support of its action, the applicant alleges infringement of the general principles of sound administration, transparency and equal treatment; on the basis of the following considerations:

The consortium LATIN PLAN, coordinated by AEDEC deserves to obtain the financial contribution offered in the call for tenders H2020-HCO-2014, with the result that the decision refusing to grant that financial contribution and the decision confirming that refusal are manifestly unfair, given that:

- (a) The communications of the European Commission during the evaluation process of the project incorrectly identified the project coordinator, and were addressed to a person who was not the legal representative, contact person or coordinator of the project in question. That is particularly significant in the present case, since the person concerned had nothing to do with AEDEC and formed part of LATIN PLAN as a member of the Finnish team.

It is clear that the European Commission, believing that the person in question coordinated the LATIN PLAN project as part of AEDEC and at the same time formed part of the Finnish team, considered that he did not merit the financial contribution, on the basis of the 'principle of non-cumulative award', which applies to the grant of funding in EU law, and according to which no action may give rise to more than one grant from the EU budget to the same beneficiary. Each partner of the LATIN PLAN team requested a budget. If the financial contribution had finally been awarded to the team, according to the Commission's erroneous perception, the person in question would have received funding as a member of the AEDEC and as a member of the Finnish team.

- (b) The report evaluating the projects states that the asymmetry between the budgets sought by each team member of the consortium LATIN PLAN was not explained and adequately justified, and for that reason lower scores were awarded. It is not denied that there is asymmetry between the budgets requested by the various teams/partners but it is not true that the asymmetry was not explained. Specifically, in the section setting out the justification for the budget it is explained perfectly and in detail why AEDEC is the partner seeking the most funds.
- (c) In addition, it must be pointed out that the project is of a high standard from a scientific perspective. The team obtained 11 points out of the maximum possible of 15, and surpassed the quality threshold of 10 points established in the call for tenders. The project in question obtained a score higher than others to which funding was granted, with the result that the contested decision is unfair.

Action brought on 20 February 2015 — Navitar v OHIM — Elukuva (NaviTar)

(Case T-93/15)

(2015/C 127/48)

Language in which the application was lodged: English

Parties

Applicant: Navitar, Inc. (Rochester, United States) (represented by: J. Mattes, lawyer)