

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 September 2013 given in Case R 688/2012-3;
- Order the defendant to pay the costs of the present proceedings and those incurred before the Board of Appeal.

**Pleas in law and main arguments**

*Registered Community design in respect of which a declaration of invalidity has been sought:* The design for a product described as 'heat exchanger inserts' — Registered Community Design No 1 137 152-0002

*Proprietor of the Community design:* The applicant

*Applicant for the declaration of invalidity of the Community design:* The other party to the proceedings before the Board of Appeal

*Grounds for the application for a declaration of invalidity:* It was alleged that the design did not fulfil the requirements of Article 4(1) and (2), in conjunction with Articles 5 and 6 and in particular Article 8(1) and (2) CDR

*Decision of the Cancellation Division:* Declared the contested RCD invalid

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 25(1)(b) in conjunction with Article 4(2) CDR.

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**Appeal brought on 26 November 2013 by Carla Faita against the judgment of the Civil Service Tribunal of 16 September 2013 in Case F-92/11, *Faita v EESC***

**(Case T-619/13 P)**

(2014/C 24/67)

*Language of the case: French*

**Parties**

*Appellant:* Carla Faita (Brussels, Belgium) (represented by: D. Abreu Caldas, M. Abreu Caldas and J.-N. Louis, lawyers)

*Other party to the proceedings:* European Economic and Social Committee (EESC)

**Form of order sought by the appellant**

The applicant claims that the Court should:

- annul the decision of the Civil Service Tribunal of the European Union (Second Chamber) of 16 September 2013 in Case F-92/11 (*Faita v EESC*);
- order the EESC to pay the appellant a sum of EUR 15 000 by way of compensation for non-material damage resulting from the breach of the appointing authority's duty of care;
- order the EESC to pay the costs.

**Pleas in law and main arguments**

In support of the appeal, the appellant relies on two pleas in law.

1. First plea in law, alleging an error of law as regards the purpose of the pre-litigation procedure and the principle of sound administration, the Civil Service Tribunal not having found fault with the fact that the rejection of the complaint contained identical reasoning, word for word, to that to that in the rejection of the application against which the complaint was brought, despite the fact that the complaint contained different arguments to those in the application (relating to paragraphs 44 and 65 to 67 of the contested judgment).
2. Second plea in law, alleging first, an infringement of the rights of the defence, to the extent that the appellant did not have the opportunity to make an argument during the procedure in front of the Civil Service Tribunal when the Civil Service Tribunal found that the appointing authority relied on a fifth implicit reason in its decision to reject the appellant's application and, second, an error of law, in so far as the Civil Service Tribunal undertook an analysis of the conditions laid down in Article 12a(3) of the Staff Regulations of Officials of the European Union in its review of legality of the application of Article 24 of those Regulations (relating to paragraphs 94 and onwards in the judgment under appeal).

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**Action brought on 22 November 2013 — *Marchi Industriale v ECA***

**(Case T-620/13)**

(2014/C 24/68)

*Language of the case: Italian*

**Parties**

*Applicant:* *Marchi Industriale* (Florence, Italy) (represented by: M. Baldassarri and F. Donati, lawyers)

*Defendant:* European Chemicals Agency (ECA)