

**Form of order sought**

- Annul the decision of the Second Board of Appeal of OHIM of 28 October 2013 in Case R 2272/2012-2;
- Declare that the applicant's trade mark MAKING LIFE BETTER AT WORK, in respect of the goods and services claimed in the case, has the necessary distinctive character for registration as a Community trade mark;
- Order OHIM to pay the applicant's costs of the proceedings before both the General Court and OHIM.

**Pleas in law and main arguments**

*Community trade mark applied for:* Word mark 'MAKING LIFE BETTER AT WORK' for goods and services in Classes 16, 20, 35 and 42 — application for registration of a Community trade mark No 10 887 982

*Decision of the Examiners:* Rejection of the application for registration

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

*Pleas in law:* Failure to have regard to Article 7(1)(b) of Regulation No 207/2009

---

**Appeal brought on 8 January 2014 by Peter Schönberger against the judgment of the Civil Service Tribunal of 5 November 2013 in Case F-14/12, Schönberger v Court of Auditors**

(Case T-26/14 P)

(2014/C 93/45)

*Language of the case: German*

**Parties**

*Appellant:* Peter Schönberger (Luxembourg, Luxembourg) (represented by O. Mader, lawyer)

*Other party to the proceedings:* Court of Auditors of the European Union

**Form of order sought by the appellant**

The appellant claims that the Court should:

- set aside the judgment of the Civil Service Tribunal of 5 November 2013 in Case F-14/12 (Schönberger v Court of Auditors);
- allow the applicant's claims at first instance;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

In support of the appeal, the appellant relies on seven grounds of appeal.

1. First ground of appeal: The Civil Service Tribunal failed to give a ruling on the first plea in law, according to which, with only three positions available for promotions in the promotion year 2011, the five-year average for 2007 until 2011 stated in the Staff Regulations was missed by 10 positions.
2. Second ground of appeal: The appellant claims that, by declaring the promotion years 2010 until 2014 to be the five-year period at issue, the judgment under appeal distorts the position of the parties.
3. Third ground of appeal: The appellant submits that the applicant's rights of defence were infringed because he was not given an opportunity to comment on the five-year period considered relevant by the Civil Service Tribunal.
4. Fourth ground of appeal: The appellant alleges a failure to state reasons because the judgment under appeal does not explain why the five-year period from 2010 until 2014 must be accepted as the reference period.
5. Fifth ground of appeal: The appellant complains that, by its interpretation of the Staff Regulations, the Civil Service Tribunal goes against the clearly-expressed intention of the legislature to start with a new five-year period in the year 2014.
6. Sixth ground of appeal: The appellant complains here that, by basing its judgment on an interpretation of the Staff Regulations which was explicitly rejected by the defendant, the Civil Service Tribunal infringed the principle of the protection of legitimate expectations.
7. Seventh ground of appeal: The appellant claims that the principle of equal treatment was applied incorrectly and not in accordance with settled case-law.

---

**Action brought on 15 January 2014 — Costantini and Others v Commission**

(Case T-44/14)

(2014/C 93/46)

*Language of the case: English*

**Parties**

*Applicants:* Bruno Costantini (Jesi, Italy), Robert Racke (Lamadelaine, Luxembourg), Pietro Pravata (Beyne-Heusay, Belgium), Zbigniew Gałazka (Łódź, Poland), Justo Santos Domínguez (Leganés, Spain), Maria Isabel Lemos (Mealhada, Portugal), André Clavelou (Vincennes, France), Citizens' Committee 'Right to Lifelong Care: Leading a life of dignity and Independence is a fundamental right!', (represented by: O. Brouwer, lawyer and A. Woods, Solicitor)

*Defendant:* European Commission