

2. Second plea in law, alleging an infringement of the principle of *audi alteram partem* and of the rights of defence, in that the CST gave its decision by means of an order, without permitting a fresh exchange of pleadings or a public hearing.
3. Third plea in law, alleging an error of law, in that the CST added a new condition to the conditions laid down for institutional assistance by Article 24 of the Staff Regulations of Officials of the European Union.

Action brought on 24 September 2015 — Paglieri Sell System v OHIM (APOTEKE)

(Case T-563/15)

(2015/C 371/46)

Language of the case: Italian

Parties

Applicant: Paglieri Sell System SpA (Pozzolo Formigaro, Italy) (represented by: P. Pozzi and F. Braga, lawyers)

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

Details of the proceedings before OHIM

Trade mark at issue: Community figurative mark containing the word element 'APOTEKE' — Application for registration No 13 014 691

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 23 July 2015 in Case R 2428/2014-5

Form of order sought

The applicant claims that the Court should:

- declare that there was a breach and incorrect application of Article 7(1)(b) and (c) and (2) of Regulation No 207/2009;
- declare that there was a breach of Article 75 of Regulation No 207/2009;
- annul the contested decision;
- order OHIM to pay the costs and fees incurred for the present proceedings.

Pleas in law

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
 - Infringement of Article 7(2) of Regulation No 207/2009;
 - Infringement of Article 75 of Regulation No 207/2009.
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