

**Form of order sought**

The applicant claims that the Court should:

- annul the Commission's decision of 17 July 2015 rejecting the applicant's proposal in response to the call for proposals in the context of the Commission Implementing decision C(2014)1921 final of 26 March 2014 establishing a multi-Annual Work Programme 2014 for financial assistance in the field of Connecting Europe Facility;
- order the Commission to take a new decision with respect to the applicant's proposal, taking account of the judgment of the General Court, within three months from the date of the judgment;
- order the Commission to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging a manifest error of assessment

- The assessment of the applicant's proposal is incorrect as regards the award criteria of relevance, impact and quality. With a proper evaluation against those award criteria, the proposal should have been selected for EU co-funding.

2. Second plea in law, alleging an infringement of the principle of equal treatment

- The Commission has infringed the principle of equal treatment in the contested decision because it has not selected the applicant's proposal, while it has selected other, similar proposals related to emission abatement technologies.

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**Action brought on 28 September 2015 — Excalibur City v OHIM — Ferrero (MERLIN'S KINDERWELT)**

**(Case T-565/15)**

(2015/C 398/80)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Excalibur City s.r.o. (Znojmo, Czech Republic) (represented by: E. EnginDeniz, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Ferrero SpA (Alba, Italy)

**Details of the proceedings before OHIM**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* Community word mark 'MERLIN'S KINDERWELT' – Application for registration No 11 201 969

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the First Board of Appeal of OHIM of 9 July 2015 in Case R 1538/2014-1

**Form of order sought**

The applicant claims that the Court should:

- annul in whole the contested decision;
- order OHIM to pay the fees and costs of the proceedings.

**Pleas in law**

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Article 8(5) of Regulation No 207/2009.

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**Action brought on 28 September 2015 — Excalibur City v OHIM — Ferrero (MERLIN'S KINDERWELT)**

**(Case T-566/15)**

(2015/C 398/81)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Excalibur City s.r.o. (Znojmo, Czech Republic) (represented by: E. Engin Deniz, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Ferrero SpA (Alba, Italy)

**Details of the proceedings before OHIM**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* Community figurative mark containing the word elements 'MERLIN'S KINDERWELT' – Application for registration No 11 202 066