

In any event:

Order the defendants to pay the costs.

### **Pleas in law and main arguments**

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

1. First plea in law, alleging an abuse of rights committed by the defendants in the successive use of fixed-term contracts and infringement by those defendants of the principle of proportionality.
2. Second plea in law, alleging infringement by the defendants of the protection of workers in the context of a mass redundancy.
3. Third plea in law, alleging infringement by the defendants of the principles of equal treatment and non-discrimination.
4. Fourth plea in law, alleging infringement by the defendants of the applicant's right to be heard.
5. Fifth plea in law, alleging legal uncertainty caused to the applicant by the defendants and infringement by those defendants of the right to sound administration.
6. Sixth plea in law, alleging infringement by the defendants of the principle that staff representatives should be consulted.
7. Seventh plea in law, alleging infringement by the defendants of the European Code of Good Administrative Behaviour.
8. Eighth plea in law, alleging infringement by the defendants of the right to freedom of movement for workers.

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### **Action brought on 23 November 2015 — Novartis v OHIM (Representation of a crescent in black and white)**

(Case T-678/15)

(2016/C 090/26)

*Language of the case: English*

### **Parties**

*Applicant:* Novartis AG (Basel, Switzerland) (represented by: M. Zintler, lawyer)

*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 (Representation of a crescent in black and white) — Application for registration No 13 191 036

*Contested decision:* Decision of the Fifth Board of Appeal of OHIM of 23 September 2015 in Case R 89/2015-5

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- declare that Article 7(1)(b) of Regulation No 207/2009 does not preclude the sign at issue (Community trade mark No 13 191 036) in respect of the goods in Class 5 described in the application for registration;
- order the defendant to pay the costs.

**Plea in law**

— wrong application of Article 7(1)(b) Regulation No 207/2009.

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**Action brought on 23 November 2015 — Novartis v OHIM (Representation of a crescent in green and white)****(Case T-679/15)**

(2016/C 090/27)

*Language of the case: English***Parties**

*Applicant:* Novartis AG (Basel, Switzerland) (represented by: M. Zintler, lawyer)

*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 (Representation of a crescent in green and white) — Application for registration No 13 189 139

*Contested decision:* Decision of the Fifth Board of Appeal of OHIM of 23 September 2015 in Case R 78/2015-5

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- declare that Article 7(1)(b) of Regulation No 207/2009 does not preclude the sign at issue (Community trade mark No 13 189 139) in respect of the goods in Class 5 described in the application for registration;
- order the defendant to pay the costs.

**Plea(s) in law**

— Infringement of Article 7(1)(b) of Regulation No 207/2009.

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**Action brought on 17 December 2015 — Aldi v OHIM — Sky (SKYLITE)****(Case T-736/15)**

(2016/C 090/28)

*Language in which the application was lodged: German***Parties**

*Applicant:* Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and N. Bertram, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Sky plc (Isleworth, United Kingdom)