

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: 8 Seasons Design GmbH (Eschweiler, Germany)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant

Design at issue: Community design ‘Lamps’ — Application No 2 252 213-0002

Contested decision: Decision of the Third Board of Appeal of EUIPO of 1 December 2015 in Case R 2164/2014-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- in the alternative arrange a hearing;
- order EUIPO to bear its own costs and to pay those incurred by the applicant.

Plea in law

- Infringement of Article 6 of Regulation No 6/2002.

Action brought on 15 February 2016 — Deichmann v EUIPO — Munich (Representation of a cross on the side of a sports shoe)

(Case T-68/16)

(2016/C 111/49)

Language in which the application was lodged: English

Parties

Applicant: Deichmann SE (Essen, Germany) (represented by: C. Onken, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Munich, SL (Capellades, Spain)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: other party to the proceedings before the Board of Appeal

Trade mark at issue: EU figurative mark (Representation of a cross on the side of a sports shoe — EU trade mark No 2 923 852)

Procedure before EUIPO: Revocation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 4 December 2015 in Case R 2345/2014-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before EUIPO to bear the costs.

Pleas in law

- Infringement of Article 15(1)(a) of Regulation No 207/2009;
- Infringement of Article 51(1)(a) of Regulation No 207/2009.

Appeal brought on 17 February 2016 by Carlo de Nicola against the judgment of the Civil Service Tribunal of 18 December 2015 in Case F-104/13 De Nicola v EIB

(Case T-70/16 P)

(2016/C 111/50)

Language of the case: Italian

Parties

Appellant: Carlo de Nicola (Strassen, Luxembourg) (represented by: G. Ferabecoli, lawyer)

Other party to the proceedings: European Investment Bank

Form of order sought by the appellant

The appellant claims that the Court should:

- Uphold the present appeal and, partially reversing the judgment under appeal, annul point 2 of the operative part, together with paragraphs 13 to 17, 57 to 60 and 62 to 68 of the judgment itself;
- Consequently, declare that bullying was committed by the EIB against Dr De Nicola, and order the EIB to compensate Dr De Nicola for the damage suffered or, in the alternative, refer the case to another Chamber of the Civil Service Tribunal in order that it may, in a different formation, give a fresh decision on the annulled paragraphs. Subject to completion of the requested medical examination;
- Order the European Investment Bank to pay the costs.

Grounds of appeal and main arguments

The present appeal is brought against the judgment of the Civil Service Tribunal (single Judge) of 18 December 2015 in *De Nicola v European Investment Bank* (F-104/13).

In support of his appeal, the appellant relies on three grounds of appeal.

1. First ground of appeal, relating to the contractual nature of the relationship between the appellant and the EIB.

- In that regard, the appellant argues that he sought compensation for damage in respect of the contractual liability of the EIB, and not the non-contractual liability of the European Union.