

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.

2. Second ground of appeal, relating to the request for a declaration of bullying.
 - In that regard, the appellant argues, in particular, that the Civil Service Tribunal could not evade its duty to investigate an accusation of bullying, and, therefore, that it entirely unlawfully declared that the head of claim seeking a declaration that that bullying had taken place was inadmissible. The verification and legal characterisation of the facts is, inter alia, an essential 'precondition' in order subsequently to determine the compensation for the alleged damage.
3. Third ground of appeal, relating to the request that the EIB be ordered to pay compensation for the damage from bullying.
 - In that regard, the appellant argues that the conditions are satisfied in the present case for the Court to examine the information and recognise the right to compensation for the damage suffered.

Order of the General Court of 3 February 2016 — Experience Hendrix v OHIM — JH Licence (Jimi Hendrix)

(Case T-357/14) ⁽¹⁾

(2016/C 111/51)

Language of the case: German

The President of the Third Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 253, 4.8.2014.
