

### Pleas in law and main arguments

In support of the appeal, the appellant relies on two pleas in law.

#### 1. First plea in law, alleging distortion of the facts:

— firstly, in that the CST considered that the term ‘background’ used in the vacancy notice in the contested procedure referred to experience and not to training. The appellant submits that it is apparent in particular from the vacancy notices published by the Commission that when professional experience is required, the term ‘experience’ is used rather than ‘background’;

— secondly, in that the CST considered that the term ‘regulation’ did not refer to regulatory mechanisms but to the legislative process.

#### 2. Second plea in law, alleging errors of law, the CST having examined the indications of misuse of power in an isolated rather than global manner, without seeking to establish whether the indications taken together, given their number, made it possible to call into question the lawfulness of the decisions contested at first instance.

In addition, the appellant argues that the CST disregarded, in the light of the inequality of arms of the parties, the right to a fair hearing by refusing to adopt measures of organisation of the procedure enabling the indications of misuse of power to be emphasised and evidence to be adduced of a factor which could have been demonstrated only by such a measure.

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**Action brought on 24 January 2013 — Türkiye Garanti Bankasi/OHIM — Card & Finance Consulting (bonus&more)**

(Case T-33/13)

(2013/C 86/37)

*Language in which the application was lodged: English*

### Parties

*Applicant:* Türkiye Garanti Bankasi AS (Istanbul, Turkey) (represented by: J. Güell Serra, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Card & Finance Consulting GmbH (Nürnberg, Germany)

### Form of order sought

The applicant claims that the Court should:

— Annul the contested decision; and

— Order OHIM to pay the costs.

### Pleas in law and main arguments

*Applicant for a Community trade mark:* The other party to the proceedings before the Board of Appeal

*Community trade mark concerned:* The figurative mark ‘bonus&more’, for services in classes 35, 36, 38, 41 and 42 — Community trade mark application No 9 037 251

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited in opposition:* The International Registration of the figurative mark ‘bonusnet’, for goods and services in classes 9, 35, 36, 38 and 42 — International Registration No 931 921

*Decision of the Opposition Division:* Upheld the opposition in part

*Decision of the Board of Appeal:* Allows the appeal and rejects the opposition

*Pleas in law:* Infringement of Articles 8(1)(b) of Council Regulation No 207/2009.

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**Action brought on 22 January 2013 — Exakt Advanced Technologies v OHIM — Exakt Precision Tools (EXAKT)**

(Case T-37/13)

(2013/C 86/38)

*Language in which the application was lodged: German*

### Parties

*Applicant:* Exakt Advanced Technologies GmbH (Norderstedt, Germany) (represented by: A. von Bismarck, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Exakt Precision Tools Ltd (Aberdeen, United Kingdom)

### Form of order sought

The applicant claims that the Court should:

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 29 October 2012 in Case R 1764/2011-1;

— Order the intervener to pay the costs including those incurred in the course of the appeal proceedings.