

2. Second ground of appeal, alleging errors of law, divided into three parts, based on:

— an incorrect interpretation of Article 3a of the Conditions of Employment of Other Staff of the European Union (CEOS) (with regard to paragraphs 56 to 58 of the judgment under appeal);

— an error of law in the definition of the relationship between the interest of the service and the principle of legality (with regard to paragraph 63 of the judgment under appeal);

— an infringement of the limits on the judicial review of the CST and the fact that the CST therefore ruled *ultra vires* (with regard to paragraphs 59, 60 and 63).

3. Third ground of appeal alleging an infringement of the duty to state reasons (with regard to paragraphs 57 and 59 of the judgment under appeal).

— Order that the applicant's costs in the proceedings be awarded in its favour.

Pleas in law and main arguments

Applicant for the Community trade mark: Colomer Italy SpA

Community trade mark concerned: Figurative mark containing the word element 'INTERCOSMO ESTRO' for goods in class 3

Proprietor of the mark or sign cited in the opposition proceedings: Farmaca International SpA

Mark or sign cited in opposition: Non-registered figurative mark 'ESTRO' for 'hair and cosmetic' goods

Decision of the Opposition Division: The opposition was upheld

Decision of the Board of Appeal: The appeal was dismissed

Pleas in law: Infringement and misapplication of Articles 8(4), 7(1) and 75 of Regulation (EC) No 207/2009.

Action brought on 20 December 2013 — Colomer Italy v OHIM — Farmaca International (INTERCOSMO ESTRO)

(Case T-681/13)

(2014/C 78/26)

Language in which the application was lodged: Italian

Parties

Applicant: Colomer Italy SpA (Sala Bolognese, Italy) (represented by: M. Ricolfi, F. Tarocco and C. Mezzetti, lawyers)

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

Other party to the proceedings before the Board of Appeal: Farmaca International SpA (Turin, Italy)

Form of order sought

The applicant claims that the Court should:

— Uphold the present action and consequently annul the decision of the First Board of Appeal of 3 October 2013, notified on 17 October 2013, given in Case R 1186/2012-1;

— Reject Farmaca International SpA's opposition to the registration of the mark 'INTERCOSMO ESTRO', so that that registration is granted;

Action brought on 24 December 2013 — Lidl Stiftung v OHIM — Horno del Espinar (Castello)

(Case T-715/13)

(2014/C 78/27)

Language in which the application was lodged: English

Parties

Applicant: Lidl Stiftung & Co. KG (Neckarsulm, Germany) (represented by: M. Wolter, M. Kefferpütz and A. Marx, lawyers)

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

Other party to the proceedings before the Board of Appeal: Horno del Espinar, SL (El Espinar, Spain)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the Second Board of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs) of 1 October 2013 given in Case R 2338/2012-2;

— Order the defendant to pay the costs of proceedings.