

— Refer the matter back to the European Civil Service Tribunal.

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 infringement of the right to effective judicial protection, since the Civil Service Tribunal (CST) dismissed the action for annulment brought by the applicant on the ground of inadmissibility which it classified as 'manifest'.
2. Second plea in law, alleging an error of law committed by the CST in that it held that the time-limit for bringing proceedings under Article 90 of the Staff Regulations started to run from receipt of the proposal for the bonus loading of the annuities and not from its acceptance by the member of staff.

Action brought on 24 April 2015 — Lidl Stiftung v OHIM — toom Baumarkt (Super-Samstag)

(Case T-213/15)

(2015/C 205/52)

Language in which the application was lodged: German

Parties

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

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

Other party to the proceedings before the Board of Appeal: toom Baumarkt GmbH (Cologne, Germany)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community word mark 'Super-Samstag' — Community trade mark No 10 304 178

Procedure before OHIM: Invalidity proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 16 February 2015 in Case R 657/2014-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs, including the costs in respect of the appeal proceedings.

Pleas in law

- Infringement of 52(1)(a) of Regulation No 207/2009 in conjunction with Rule 37(b)(i) and (iv) of Regulation No 2868/95;
 - Infringement of Article 7(1)(b) of Regulation No 207/2009;
 - Infringement of Article 7(1)(c) of Regulation No 207/2009.
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