

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 an error in law on behalf of the Civil Service Tribunal with regards to the scope of the right to be heard.

— Without relying on any case-law nor providing specific reasoning, the Civil Service Tribunal adopted an extensive interpretation of the scope of the right to be heard, applicable not only to allegations made vis-à-vis an individual, but also to the consequences ascribed to the behavior of that individual. Besides, the approach taken by the Civil Service Tribunal as to the scope of the right to be heard is contradicted by its very findings in the contested judgment.

2. Second plea in law, alleging an error of law on behalf of the Tribunal in the conclusion it reached further to the assessment as to whether in the absence of this alleged irregularity, the procedure might have led to a different result.

— The Civil Service Tribunal having acknowledged that the relationship of trust between the Respondent and the Appellant was irreparably broken, the absence of the alleged irregularity would not have led to a different result.

Action brought on 20 July 2015 — Morgan & Morgan v OHIM — Grupo Morgan & Morgan (Morgan & Morgan)

(Case T-399/15)

(2015/C 311/61)

Language in which the application was lodged: English

Parties

Applicant: Morgan & Morgan International Insurance Brokers S.r.l. (Conegliano, Italy) (represented by: F. Gatti and F. Caricato, lawyers)

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

Other party to the proceedings before the Board of Appeal: Grupo Morgan & Morgan (Ciudad de Panamá, Panama)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community figurative mark containing the word elements 'Morgan & Morgan' — Application for registration No 11 596 087

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 7 May 2015 in Case R 1657/2014-1

Form of order sought

The applicant claims that the Court should:

- recognize and declare that the recourse presented by the Appellant is admissible and well founded;
- reform the contested decision;
- give way to a definitive registration of the Community Trademark no. 11 596 087 in the name of Morgan & Morgan International Insurance Brokers s.r.l. in class 36;
- order OHIM to pay fees and cost of the three proceedings.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 22 July 2015 — Republic of Poland v European Commission**(Case T-402/15)**

(2015/C 311/62)

*Language of the case: Polish***Parties**

Applicant: Republic of Poland (represented by: B. Majczyna, acting as Agent)

Defendant: European Commission

Form of order sought

- annul the decision of the European Commission of 11 May 2015 (notified under document C(2015) 3228) concerning the refusal to make a financial contribution from the European Regional Development Fund to the major project 'European Shared Services Centre — Intelligent Logistics Systems' forming part of the operational programme 'Innovative Economy' for structural assistance under the Convergence objective in Poland;
- order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law: infringement of Article 41(1) in conjunction with Articles 56(3) and 60(a) of Regulation (EC) No 1083/2006 and of the principle of sincere cooperation, by carrying out an appraisal of the project in a way going beyond the selection criteria laid down by the Monitoring Committee even though those criteria had not been questioned by the Commission at the time of their adoption, and infringement of Article 41(2) of Regulation (EC) No 1083/2006, by seriously exceeding the time-limit for appraising the project.
2. Second plea in law: incorrect interpretation of the conditions for allowing co-financing from the European Regional Development Fund (ERDF), by the assumption that only investments with the greatest potential for diffusion of innovation could be co-financed, and incorrect assessment of the project by the assumption that it did not guarantee compliance with the operational programme 'Innovative Economy' because of lack of innovative character.