

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs of the proceedings.

**Pleas in law**

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

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**Appeal brought on 16 September 2015 by Fernando De Esteban Alonso against the order of the Civil Service Tribunal of 15 July 2015 in Case F-35/15, De Esteban Alonso v Commission**

(Case T-557/15 P)

(2015/C 371/45)

*Language of the case: French*

**Parties**

*Appellant:* Fernando De Esteban Alonso (Saint-Martin-de-Seignanx, France) (represented by: C. Huglo, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

The appellant claims that the Court should:

- set aside order F-35/15 of 15 July 2015, by which the President of the European Union Civil Service Tribunal dismissed his application;
- set aside the decision of the Appointing Authority of 21 November 2014, received on 3 December 2014, rejecting Complaint No R/865/14 brought by the appellant on 5 August 2014;
- order the European Commission to pay the sum of EUR 17 242,51, adjusted to the sum of EUR 24 242,51 on the date of the appeal;
- order the European Commission to pay the sum of EUR 3 000 in respect of the non-recoverable costs, to be adjusted if necessary, and to pay all the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging a denial of justice, in that the Civil Service Tribunal ('the CST') gave its decision by means of an order, without permitting a fresh exchange of pleadings or a public hearing.

2. Second plea in law, alleging an infringement of the principle of *audi alteram partem* and of the rights of defence, in that the CST gave its decision by means of an order, without permitting a fresh exchange of pleadings or a public hearing.
3. Third plea in law, alleging an error of law, in that the CST added a new condition to the conditions laid down for institutional assistance by Article 24 of the Staff Regulations of Officials of the European Union.

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**Action brought on 24 September 2015 — Paglieri Sell System v OHIM (APOTEKE)**

**(Case T-563/15)**

(2015/C 371/46)

*Language of the case: Italian*

**Parties**

*Applicant:* Paglieri Sell System SpA (Pozzolo Formigaro, Italy) (represented by: P. Pozzi and F. Braga, lawyers)

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

**Details of the proceedings before OHIM**

*Trade mark at issue:* Community figurative mark containing the word element 'APOTEKE' — Application for registration No 13 014 691

*Contested decision:* Decision of the Fifth Board of Appeal of OHIM of 23 July 2015 in Case R 2428/2014-5

**Form of order sought**

The applicant claims that the Court should:

- declare that there was a breach and incorrect application of Article 7(1)(b) and (c) and (2) of Regulation No 207/2009;
- declare that there was a breach of Article 75 of Regulation No 207/2009;
- annul the contested decision;
- order OHIM to pay the costs and fees incurred for the present proceedings.

**Pleas in law**

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
  - Infringement of Article 7(2) of Regulation No 207/2009;
  - Infringement of Article 75 of Regulation No 207/2009.
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