

Grounds of appeal and main arguments

In support of the appeal, the appellant relies on five grounds of appeal.

1. First ground of appeal, alleging a distortion of the arguments raised at first instance and an infringement of the prohibition on ruling *ultra petita*.
2. Second ground of appeal, alleging an error of law in the interpretation of Article 26(5) of Annex XIII to the Staff Regulations.
3. Third ground of appeal, alleging an error of law in the interpretation of the notion of transfer of pension rights under Article 11(2) of Annex VIII to the Staff Regulations.
4. Fourth ground of appeal, alleging an infringement of the obligation to state reasons.
5. Fifth ground of appeal, alleging an infringement of the principle of equal treatment.

Appeal brought on 12 May 2016 by José Luis Ruiz Molina against the judgment of the Civil Service Tribunal of 2 March 2016 in Case F-60/15, Ruiz Molina v OHIM

(Case T-233/16 P)

(2016/C 243/50)

Language of the case: French

Parties

Appellant: José Luis Ruiz Molina (San Juan de Alicante, Spain) (represented by: N. Lhoëst and S. Michiels, lawyers)

Other party to the proceedings: European Union Intellectual Property Office

Form of order sought by the appellant

The appellant claims that the Court should

- set aside the judgment of the European Union Civil Service Tribunal of 2 March 2016 in Case F-60/15;
- order the respondent to the appeal to pay the costs of both sets of proceedings in their entirety.

Grounds of appeal and main arguments

In support of the appeal, the appellant relies on four grounds of appeal.

1. First ground of appeal, alleging infringement of the first paragraph of Article 8 of the Conditions of Employment of Other Servants of the European Union.
 2. Second ground of appeal, alleging infringement of the principle of *res judicata* attaching to the judgment of 15 September 2011 in *Bennett and Others v OHIM*, F-102/09, EU:F:2011:138.
 3. Third ground of appeal, alleging infringement of Council Directive 1999/70/EC of 28 June 1999 concerning the Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43) which implemented the framework agreement on fixed-term work concluded on 18 March 1999 between the general cross-industry organisations, and infringement of well established principles and standards of international social and labour law on stable employment.
 4. Fourth ground of appeal, alleging failure to state reasons for the judgment under appeal.
-