

**Appeal brought on 26 February 2016 by Nicole Clarke, Sigrid Dickmanns and Elisavet Papathanasiou against the judgment of the Civil Service Tribunal of 15 December 2015 in Joined Cases F-101/14, F-102/14 and F-103/14, Clarke and Others v EUIPO**

**(Case T-89/16 P)**

(2016/C 145/39)

*Language of the case: German*

### **Parties**

*Appellants:* Nicole Clarke (Alicante, Spain), Sigrid Dickmanns (Gran Alacant, Spain) and Elisavet Papathanasiou (Alicante) (represented by: H. Tettenborn, lawyer)

*Other party to the proceedings:* European Union Intellectual Property Office (EUIPO)

### **Form of order sought**

The appellants claim that the Court should:

- set aside in its entirety the judgment of the Civil Service Tribunal of the European Union (Third Chamber) of 15 December 2015 in Joined Cases F-101/14, F-102/14 and F-103/14;
- rule in accordance with the form of order sought by the appellants in those proceedings;
- order EUIPO to pay the costs of all of the proceedings — that is, the proceedings before the Civil Service Tribunal of the EU and the appeal proceedings before the General Court.

### **Grounds of appeal and main arguments**

In support of the appeal, the appellants rely on four grounds of appeal.

1. First ground of appeal: erroneous application of the termination clause contained in the appellants' employment contracts and of each of the 'renewal protocols' concluded between EUIPO and the appellants in so far as the competitions at issue are not the 'next' competitions within the meaning of the termination clause.
2. Second ground of appeal: erroneous application of the termination clause contained in the appellants' employment contracts in so far as the competitions at issue do not relate to the specialisation 'industrial property' referred to in the termination clause and therefore cannot bring that termination clause into play.

The appellants claim, in the context of the first and second grounds of appeal, that in the judgment under appeal the Civil Service Tribunal ('the CST') misconstrued the wording, meaning and purpose of the termination clause as well as its temporal point of reference and applicability.

3. Third ground of appeal: erroneous application of Article 8(1) of the Conditions of Employment of other Servants of the European Union ('the Conditions of Employment')

The appellants submit in this connection that, in the judgment under appeal, the CST failed to recognise that the 'renewal protocols' concluded between EUIPO and the appellants constituted, in each case, a contractual agreement to, at least, a second extension of the appellants' employment contracts, from which, pursuant to Article 8(1) of the Conditions of Employment, it followed that the appellants' contracts of employment had to be regarded as having been concluded for an indefinite period.

4. Fourth ground of appeal: erroneous application of the duty to have regard for the interests of employees and of the principle of the protection of legitimate expectations

The appellants claim in this ground that, in relation to the question whether EUIPO had fulfilled its duty to have regard for the interests of its employees or had infringed the principle of the protection of legitimate expectations, the CST erred in focusing on the time of the renewal of the employment contracts and not on the time at which the termination clause was signed in so far as it was not until nine years after the termination clause had been signed that EUIPO organised a competition to determine the fate of the appellants' careers.

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**Action brought on 1 March 2016 — Sheridan v Parliament**

**(Case T-94/16)**

(2016/C 145/40)

*Language of the case: English*

**Parties**

*Applicant:* Gavin Sheridan (Midleton, Ireland) (represented by: N. Pirc Musar, lawyer)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the Court should:

- annul decision A(2015)13844 C of the European Parliament of 14 January 2016 rejecting the applicant's confirmatory application for access to certain documents relating to information on Members' of the European Parliament travel expenses, subsistence allowances, general expenditure allowances and staffing arrangements expenses;
- order the Parliament to pay the applicant's costs pursuant to Articles 134 and 140 of the Rules of Procedure of the General Court, including the costs of any intervening parties.

**Pleas in law and main arguments**

The pleas in law and main arguments raised by the applicant are, in essence, identical or similar to those raised in Case T-639/15, *Psara v Parliament* (OJ 2016 C 48, p. 53).

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**Action brought on 29 February 2016 — Kasztantowicz v EUIPO — Gbb Group (GEOTEK)**

**(Case T-97/16)**

(2016/C 145/41)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Martin Kasztantowicz (Berlin, Germany) (represented by: R. Ronneburger, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Gbb Group Ltd (Letchworth, United Kingdom)