

- distortion concerning the fact that the timeliness was negatively affected by being the only examiner working in Finnish for part of the appraisal period and one of only two Finnish examiners for the remainder of the appraisal period;
 - distortion concerning the fact that the appellant handled an uncommonly large number of particularly difficult and time consuming cases;
 - distortion of facts concerning the negative impact that the implementation of the IP Translator judgment had on the quantitative output of the appellant and the timeliness of the appellant's decisions;
 - distortion of the facts concerning the timeliness figures of the appellant compared to other examiners.
2. Second plea in law, alleging that the Civil Service Tribunal erred in law when stating that a manifest error in the assessment of performance cannot be revealed from the finding that of the seven competencies assessed, five were deemed to be at least consistent with the level required for the position held.
 3. Third plea in law, alleging that the Civil Service Tribunal erred in law when rejecting the breach by OHIM of its fiduciary duty.
 4. Fourth plea in law, alleging the Civil Service Tribunal erred in law when rejecting the breach by OHIM of the legitimate expectations of the appellant.

Action brought on 31 May 2015 — Smarter Travel Media/OHIM (SMARTER TRAVEL)

(Case T-290/15)

(2015/C 262/44)

Language of the case: English

Parties

Applicant: Smarter Travel Media LLC (Boston, United States of America) (represented by: P. Olson, lawyer)

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 elements 'SMARTER TRAVEL' — Application for registration No 12 460 044

Contested decision: Decision of the Second Board of Appeal of OHIM of 20/03/2015 in Case R 1986/2014-2

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- The Board of Appeal erred in finding that the mark was not distinctive;
- The Board of Appeal erred in misapplying the *Bild* decision;

- The Board of Appeal erred in not taking into account that the trademark contained an independently registrable element;
- The Board of Appeal erred in not taking into account that the same trademark with a different logo had been registered for essentially the same services and that the new application is merely a modernization;
- The Board of Appeal erred in not making a global assessment.

Action brought on 26 May 2015 — Zhang v OHIM — K & L Ruppert Stiftung (Anna Smith)

(Case T-295/15)

(2015/C 262/45)

Language in which the application was lodged: German

Parties

Applicant: Yongyu Zhang (Manchester, United Kingdom) (represented by: M. Steinert, lawyer)

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

Other party to the proceedings before the Board of Appeal: K & L Ruppert Stiftung & Co. Handels-KG (Weilheim, Germany)

Details of the proceedings before OHIM

Applicant: Yongyu Zhang

Trade mark at issue: Community word mark 'Anna Smith' — Registration No 11 981 446

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 27 February 2015 in Case R 1559/2014-5

Form of order sought

The applicant claims that the Court should:

- admit, after annulment of the contested decision relating to opposition proceedings No B 2 264 227 on the application for registration No 11 981 446 of 12 July 2013, the word mark Anna Smith as a Community trade mark for Classes 18 and 25, as per the application.

Plea in law

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

Action brought on 5 June 2015 — OASE/OHIM — COMPO France (AlGo)

(Case T-300/15)

(2015/C 262/46)

Language in which the application was lodged: German

Parties

Applicant: OASE GmbH (Hörstel, Germany) (represented by: T. Weeg, lawyer)

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

Other party to the proceedings before the Board of Appeal: COMPO France SAS (Roche-Lez-Beaupré, France)