

**Action brought on 9 November 2015 — Tractel Greifzug v OHIM — Jiangsu Shenxi Construction Machinery (Shape of a motorised rope winch)**

**(Case T-621/15)**

(2016/C 016/52)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Tractel Greifzug GmbH (Bergisch Gladbach, Germany) (represented by: U. Lüken and C. Maierhöfer, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Jiangsu Shenxi Construction Machinery Co. Ltd (Wuxi, China)

**Details of the proceedings before OHIM**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* Three-dimensional Community trade mark (Shape of a motorised rope winch) — Community trade mark No 7 033 061

*Procedure before OHIM:* Invalidity proceedings

*Contested decision:* Decision of the First Board of Appeal of OHIM of 3 September 2015 in Case R 1658/2014-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and reject the application for a declaration of invalidity in its entirety;
- order OHIM to pay the costs.

**Pleas in law**

- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 7(1)(e)(ii) of Regulation No 207/2009.

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**Action brought on 10 November 2015 — Lidl Stiftung v OHIM (JEDE FLASCHE ZÄHLT!)**

**(Case T-623/15)**

(2016/C 016/53)

*Language of the case: German*

**Parties**

*Applicant:* Lidl Stiftung & Co. KG (Neckarsulm, Germany) (represented by: M. Wolter, A. Marx and A. Berger, 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 elements 'JEDE FLASCHE ZÄHLT!' — Application No 13 510 123

*Contested decision:* Decision of the Fourth Board of Appeal of OHIM of 7 September 2015 in Case R 479/2015-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs, including the costs in respect of the proceedings before OHIM.

**Plea in law**

- Infringement of Article 7(1)(b) in conjunction with Article 7(2) of Regulation No 207/2009.

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**Action brought on 6 November 2015 — European Food and Others/Commission**

**(Case T-624/15)**

(2016/C 016/54)

*Language of the case: English*

**Parties**

*Applicants:* European Food SA (Drăgănești, Romania), Starmill Srl (Drăgănești), Multipack Srl (Drăgănești), Scandic Distilleries SA (Bihor, Romania) (represented by: K. Struckmann, lawyer, G. Forwood, Barrister, and A. Kadri, Solicitor)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul Commission Decision (EU) 2015/1470 of 30 March 2015 on State aid SA.38517 (2014/C) (ex 2014/NN) implemented by Romania [Arbitral award *Micula v Romania* of 11 December 2013 (notified under document C(2015) 2112)] (OJ 2015 L 232, p. 43);
- alternatively, annul the contested decision insofar as it (a) concerns each of the applicants, (b) prevents Romania from complying with the award, (c) orders Romania to recover any incompatible aid, (d) orders that the applicants shall be jointly liable to repay aid received by any of the entities identified in Article 2(2) of the contested decision;
- order the Commission to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicants rely on eight pleas in law.

1. First plea in law, alleging that the contested decision errs in failing to properly apply Article 351 TFEU and general principles of law to the present case.