

**Parties**

*Applicant:* Tecalan GmbH (Grünberg, Germany) (represented by: S. Holthaus, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Ensinger GmbH (Nufringen, Germany)

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 December 2013 in Case R 2308/2012-1;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Tecalan GmbH

*Community trade mark concerned:* Wordmark TECALAN for goods in Class 17 (Community trade mark registration No 6 203 285)

*Proprietor of the mark or sign cited in the opposition proceedings:* Ensinger GmbH

*Mark or sign cited in opposition:* Word mark TECADUR for goods in Class 17

*Decision of the Opposition Division:* Opposition upheld

*Decision of the Board of Appeal:* Appeal dismissed

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation No 207/2009

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**Action brought on 10 February 2014 — British Aggregates v Commission**

**(Case T-101/14)**

(2014/C 112/67)

*Language of the case:* English

**Parties**

*Applicant:* British Aggregates Association (Lanark, United Kingdom) (represented by: L. Van den Hende, lawyer, and L. Geary, Solicitor)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- Order the annulment pursuant to Article 263 TFEU of the Commission Decision of 31 July 2013 C(2013) 4901 final published in the Official Journal of the European Union on 28 November 2013 in Case SA.34775 (ex N863/2001) — Aggregates Levy;
- Order that the defendant pay the applicant's costs in these proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the Commission has made a manifest error of assessment in deciding that three exemptions under the Finance Act 2001 do not result in selectivity and therefore do not result in State aid under Article 107(1) TFEU.
2. Second plea in law, alleging that the Commission has failed to state reasons for the contested decision as required by Article 296 TFEU because the Commission has not explained why the different treatment of similar situations does not constitute State aid. Further, the reasoning put forward by the Commission is contradictory on the face of the contested decision.
3. Third plea in law, alleging that the Commission has infringed its duty to initiate the formal investigation procedure in accordance with Article 108(3) TFEU, as this is not a case where the Commission can reach a firm view that a measure does not result in aid, without necessitating a detailed examination of the matter.

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**Action brought on 17 February 2014 — Deutsche Post AG v OHIM**

**(Case T-102/14)**

(2014/C 112/68)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Deutsche Post AG (Bonn, Germany) (represented by: K. Hamacher and C. Giersdorf, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* PostNL Holding BV (Den Haag, Netherlands)

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 December 2013 in Case R 2108/2012 1;
- order the defendant and, as the case may be, the other party to the proceedings, to bear the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Deutsche Post AG

*Community trade mark concerned:* Word mark 'TPG POST' for goods and services in Classes 6, 9, 16, 20, 35, 38 and 39 (Community trade mark registration No 2 920 916)

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited in opposition:* National and Community word marks 'DP', 'POST' and 'Deutsche Post' for goods and services in Classes 9, 12, 14, 16, 25, 28, 35, 36, 38, 39 and 42

*Decision of the Opposition Division:* Opposition rejected

*Decision of the Board of Appeal:* Appeal dismissed

*Plea in law:* Infringement of Article 8(1)(b) of Regulation No 207/2009

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**Action brought on 17 February 2014 — Frucona Košice v Commission**

**(Case T-103/14)**

(2014/C 112/69)

*Language of the case: English*