

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

Details of the proceedings before OHIM

Trade mark at issue: Community word mark 'MEGABUS.COM' — Application for registration No 11 131 216

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 7 October 2014 in Case R 1894/2013-4

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision;
- Order Community trade mark No 11 131 216 'MEGABUS.COM' be registered for all goods and services, or partially registered for some goods and services;
- Order Community trade mark No 11 131 216 'MEGABUS.COM', in the alternative, be registered at least partially in respect of 'provision of passenger transport services' for which evidence of acquired distinctiveness has been shown;
- Order OHIM to pay the costs.

Plea in law

- Infringement of Articles 7(1)(c) and 7(1)(b) of Regulation No 207/2009.

Action brought on 12 December 2014 — Spain v Commission

(Case T-808/14)

(2015/C 034/54)

Language of the case: Spanish

Parties

Applicant: the Kingdom of Spain (represented by: A. Rubio González, Abogado del Estado)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the contested decision, and
- order the Commission to pay the costs.

Pleas in law and main arguments

This action is brought against the Decision of the European Commission of 1 October 2014 on State aid SA 27408 (C 24/2010) NN 37/2010 EX, EX CP 19/2009) granted by the authorities of Castilla La Mancha for the deployment of digital terrestrial television in remote and less developed areas of Castilla La Mancha.

In support of the action, the applicant relies on four pleas in law:

1. By its first plea in law, the applicant alleges infringement of Article 107(1) TFEU as a result of the lack of an economic advantage for undertakings engaged in an economic activity, lack of selectivity of the measure and lack of distortion of competition.

2. By its second plea in law, the applicant alleges infringement of Articles 106(2) and 107(3)(c) TFEU as a result of the lack of evidence to show that the principle of technological neutrality has been infringed.
 3. By its third plea in law, the applicant alleges breach of the State aid procedure as a result of the irregularities which occurred during the preparatory investigation.
 4. By its fourth plea in law, raised in the alternative, the applicant alleges infringement of the principles of legal certainty, equality, proportionality and subsidiarity in conjunction with Article 14 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty.
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