

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Maria Molins Tura (Barcelona, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word elements 'biombo 13' — Application for registration No 12 271 383

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 20 January 2016 in Case R 744/2015-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in its entirety as regards Classes 25, 35 and 42 in respect of which registration is sought;
- order EUIPO to pay the costs.

Plea in law

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

Action brought on 18 April 2016 — Puma v EUIPO — CMS (CMS Italy)
(Case T-161/16)
(2016/C 222/29)

Language in which the application was lodged: English

Parties

Applicant: Puma SE (Herzogenaurach, Germany) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Costruzione Macchine Speciali Srl (CMS) (Alonte, Italy)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: International registration designating the European Union in respect of the figurative mark containing the word elements 'CMS ITALY' — International registration designating the European Union No 1 150 538

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 29 January 2016 in Case R 229/2015-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision on the grounds that Article 8(5) EUTMR was not applied;
- order EUIPO and Costruzione Macchine Speciali Srl (CMS) to pay the costs.

Pleas in law

- Infringement of Articles 8(5), 76(1) and 76(2) of Regulation No 207/2009;
- Infringement of Rule 19(2) of Regulation No 2868/95;
- Infringement of the principles of legal security and sound administration.

Action brought on 18 April 2016 — Ryanair and Airport Marketing Services v Commission**(Case T-165/16)**

(2016/C 222/30)

*Language of the case: English***Parties**

Applicants: Ryanair Ltd (Dublin, Ireland), Airport Marketing Services Ltd (Dublin) (represented by: G. Berrisch, E. Vahida and I. Metaxas-Maragkidis, lawyers, and B. Byrne, Solicitor)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Articles 1(4), and 2 to 4 of European Commission Decision (EU) 2016/287 of 15 October 2014 on State aid SA.26500 - 2012/C (ex 2011/NN, ex CP 227/2008) implemented by Germany for Flugplatz Altenburg-Nobitz GmbH and Ryanair Ltd (OJ 2016 L 59, p. 22); and
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the decision violates Article 41 of the EU Charter of Fundamental Rights, the principle of good administration, and the applicants' rights of defence, as the Commission failed to allow the applicants to access the file of the investigation and to put them in a position where they could effectively make known their views.
2. Second plea in law, alleging a breach of Article 107(1) TFEU, because the Commission has failed to establish selectivity.