

**Form of order sought**

The applicants claim that the Court should:

- to declare void the defendant's Decision C(2016) 7827 final of 28 November 2016, State Aid SA.40171 (2015/NN) <sup>(1)</sup>, concerning the promotion of electricity production from renewable energy sources in the Czech Republic; and
- order the defendant to pay the costs of the proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging by its letter of July 2004 to the relevant industry associations the defendant has already decided that the Czech Republic's RE promotion scheme does not constitute State aid, and Defendant is, as a matter of law, bound to this decision, which it has not revoked and is not allowed to revoke.
2. Second plea in law, alleging a violation of applicants' legitimate expectations and certainty of law.
3. Third plea in law, alleging that the relevant Czech promotion scheme does not constitute State aid.
4. Fourth plea in law, alleging that the contested decision forces the Czech Republic to implement an overreaching review mechanism which violates the applicants' legitimate expectations in the reliability of the scheme.
5. Fifth plea in law, alleging that the contested decision is based on errors in fact in that it finds an obligation of the grid operators to pass on RE cost to power customers. There was no such obligation under Czech law.
6. Sixth plea in law, alleging that the contested decision violates article 5 paragraph 1 of the EU Treaty (limitation of competences by the principle of conferral).
7. Seventh plea in law, alleging that the contested decision is based on manifest error of assessment.

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<sup>(1)</sup> OJ C 69, 2017, p. 2

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**Action brought on 18 April 2017 — Adapta Color v EUIPO — Coatings Foreign IP (ADAPTA POWDER COATINGS)**

**(Case T-223/17)**

(2017/C 202/36)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Adapta Color, SL (Peníscola, Spain) (represented by: G. Macías Bonilla, G. Marín Raigal and E. Armero Lavie, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Coatings Foreign IP Co. LLC (Wilmington, Delaware, United States)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* European Union figurative mark containing the word elements 'ADAPTA POWDER COATINGS' — European Union trade mark No 3 383 015

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 6 February 2017 in Case R 2522/2015-5

### **Form of order sought**

The applicant claims that the Court should:

- uphold the present action in its entirety;
- annul the contested decision;
- order the defendant and, where appropriate, the intervener, to pay the costs of the present proceedings, as well as the costs incurred in the proceedings for a declaration of invalidity and the subsequent appeal proceedings before EUIPO.

### **Pleas in law**

- Infringement of Article 7(1)(b) and (c), Article 7(3), Article 52(1)(a) and Articles 75 and 76 of Regulation No 207/2009;
- Infringement of fundamental principles and basic procedural requirements, such as the burden of proof, the obligation to state reasons for decisions, the rights of defence or to be heard, and the principles of legal certainty, equal treatment and sound administration.

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**Action brought on 19 April 2017 — Adapta Color v EUIPO — Coatings Foreign IP (Bio proof ADAPTA)**

**(Case T-224/17)**

(2017/C 202/37)

*Language in which the application was lodged: Spanish*

### **Parties**

*Applicant:* Adapta Color, SL (Peníscola, Spain) (represented by: G. Macías Bonilla, G. Marín Raigal and E. Armero Lavie, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Coatings Foreign IP Co. LLC (Wilmington, Delaware, United States)

### **Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* European Union figurative mark containing the word elements 'Bio proof ADAPTA' — European Union trade mark No 4 368 239

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 6 February 2017 in Case R 2521/2015-5

### **Form of order sought**

The applicant claims that the Court should:

- uphold the present action in its entirety;