

— Order the Commission to pay the costs.

### Pleas in law and main arguments

The applicant's application is for the partial annulment of Commission Decision C(2009) 9963 final of 15 December 2009 concerning State aid No E 2/2005 and N 642/2009 — The Netherlands, Existing and special project aid to housing corporations.

In support of its application the applicant submits, first, that the contested decision is contrary to Article 107(1) TFEU because the Commission's conclusion that the applicant's loans constituted State aid was based on an incorrect interpretation of the condition for liability.

Second, the contested decision is contrary to Article 107(1) TFEU because the Commission's conclusion that the applicant's loans were not in accordance with market conditions, and therefore contained an advantage, was based on an incorrect interpretation of the facts.

Third, the Commission infringed the obligation to state reasons and the principle of care because, despite the submissions concerning the loans which the applicant put forward through the Netherlands authorities, the Commission found, without any investigation, that the loans were State aid.

### Action brought on 30 March 2010 — El Corte Inglés v OHIM

(Case T-152/10)

(2010/C 148/73)

*Language in which the application was lodged: Spanish*

### Parties

*Applicant:* El Corte Inglés SA (Madrid, Spain) (represented by: J. Rivas Zurdo, M. López Camba and E. Seijo Veiguela, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Azzedine Alaïa (Paris, France)

### Form of order sought

— annul the decision of the Fourth Board of Appeal of OHIM;

— order the party or parties which oppose this action to pay the costs.

### Pleas in law and main arguments

*Applicant for a Community trade mark:* The applicant.

*Community trade mark concerned:* Word mark 'ALIA' (application No 3 788 999) for goods in Classes 3, 14, 18 and 25.

*Proprietor of the mark or sign cited in the opposition proceedings:* The French company Azzedine Alaïa.

*Mark or sign cited in opposition:* International word mark 'ALAIÁ' (No 773 126) for goods in Classes 3, 18 and 25, Community figurative mark which contains the verbal element 'ALAIÁ' (No 3 485 166), for goods and services in Classes 16, 20 and 25, and the earlier unregistered mark 'ALAIÁ' for the manufacture, sale of clothing, articles for women and fashion accessories.

*Decision of the Opposition Division:* Opposition upheld in part.

*Decision of the Board of Appeal:* Appeal dismissed.

*Pleas in law:* Incorrect interpretation of Article 8(1)(b) of Regulation No 207/2009 on the Community trade mark.