

**Parties**

*Applicant:* Frucona Košice a.s. (Košice, Slovakia) (represented by: K. Lasok, QC, B. Hartnett, Barrister, O. Geiss, lawyer, and J. Holmes, Barrister)

*Defendant:* European Commission

**Form of order sought**

The applicant claim that the Court should:

- Annul the Commission decision C (2013) 6261 dated 16 October 2013 on State Aid No SA.18211 (C 25/2005) (ex NN 21/2005) addressed to the Slovak Republic; and
- Order the defendant to pay the applicant's 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 contested decision was adopted in breach of the rights of defence.
2. Second plea in law, alleging that the Commission erred in law in recital 83 of the contested decision.
3. Third plea in law, alleging that the Commission erred in fact and law in concluding that it would have been more advantageous for the Slovak tax authorities to initiate a bankruptcy procedure (recitals 88-119 of the contested decision).
4. Fourth plea in law, alleging that the Commission erred in concluding that the tax execution procedure would have led to a higher return than under the arrangement procedure.

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**Action brought on 12 February 2014 — TrekStor v OHIM — Scanlab (iDrive)**

(Case T-105/14)

(2014/C 112/70)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* TrekStor Ltd (Hong Kong, Hong Kong) (represented by: M. Alber, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Scanlab AG (Puchheim, Germany)

**Form of order sought**

The applicant claims that the Court should:

- Alter the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 2 December 2013 in Case R 2330/2012-1 to the effect that the mark 'iDrive' is allowed to proceed to registration in its entirety and that the opposing party's opposition is rejected;
- Order the defendant to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* the applicant

*Community trade mark concerned:* the word mark 'iDrive' for goods in Class 9 (Community trade mark application No 10 267 573)

*Proprietor of the mark or sign cited in the opposition proceedings:* Scanlab AG

*Mark or sign cited in opposition:* the national word mark 'IDRIVE' for goods and services in Classes 9 and 42

*Decision of the Opposition Division:* the opposition was upheld

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 8(1)(b) in conjunction with Article [42](5) of Regulation No 207/2009

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**Action brought on 17 February 2014 — Unitec Bio v Council**

**(Case T-111/14)**

(2014/C 112/71)

*Language of the case: English*

**Parties**

*Applicant:* Unitec Bio SA (Buenos Aires, Argentina) (represented by: J.-F. Bellis and R. Luff, lawyer)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- Annul Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ 2013 L 315, p. 2), insofar as it concerns the applicant; and
- Order the defendant to bear the costs.

**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 Institutions have committed a manifest error in the appreciation of the facts by concluding that there was a distortion of the prices of soya beans and soybean oil justifying the application of the second paragraph of Article 2(5) of the Basic Anti-dumping Regulation<sup>(1)</sup>.
2. Second plea in law, alleging that the second paragraph of Article 2(5) of the Basic Antidumping Regulation, as construed by the Institutions in the present case, may not be applied to imports from a WTO member as it is inconsistent with the WTO Anti-dumping Agreement.
3. Third plea in law, alleging that the injury assessment fails to take into consideration factors that break the causal link between the alleged injury and the allegedly dumped imports in violation of Article 3(7) of the Basic-Anti-dumping Regulation.

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<sup>(1)</sup> Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009 L 343, p. 51)

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**Action brought on 17 February 2014 — Molinos Río de la Plata v Council**

**(Case T-112/14)**

(2014/C 112/72)

*Language of the case: English*