

**Action brought on 19 March 2014 — Compagnie des gaz de pétrole Primagaz v OHIM — Reeh
(PRIMA KLIMA)**

(Case T-195/14)

(2014/C 175/66)

Language in which the application was lodged: French

Parties

Applicant: Compagnie des gaz de pétrole Primagaz SA (Paris, France) (represented by: D. Régnier, lawyer)

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

Other party to the proceedings before the Board of Appeal: Gerhard Reeh (Radnice, Czech Republic)

Form of order sought

The applicant claims that the General Court should:

— annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market of 7 January 2014 in case R 2304/2012-1

Pleas in law and main arguments

Applicant for the Community trade mark: Gerhard Reeh

Community trade mark concerned: Figurative mark including the word elements 'PRIMA KLIMA' for goods and services in Classes 11 and 42

Proprietor of the mark or sign cited in the opposition proceedings: Applicant

Mark or sign cited in opposition: Figurative mark including the word element 'PRIMAGAZ' and national word marks 'PRIMALOTISSEMENT', 'PRIMACOMPTEUR', 'PRIMAVILLAGE', 'PRIMAFAMILLE', 'PRIMAPAC', 'PRIMAENERGY', 'PRIMA CHAUFFAGE', 'PRIMA CLIM', 'PRIMAGRILL' and 'PRIMAWATT', for goods in Class 11

Decision of the Opposition Division: Reject the opposition

Decision of the Board of Appeal: Dismiss the appeal

Pleas in law: Breach of Article 8(1)(b) of Regulation No 207/2009

**Action brought on 8 April 2014 — Gmina Miasto Gdynia and Port Lotniczy Gdynia Kosakowo v
Commission**

(Case T-215/14)

(2014/C 175/67)

Language of the case: Polish

Parties

Applicants: Gmina Miasto Gdynia (Municipality of Gdynia) (Gdynia, Poland) and Port Lotniczy Gdynia Kosakowo sp. z o.o. (Gdynia) (represented by: T. Koncewicz, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the General Court should:

— Annul the decision published in Case SA. 35 388 by the European Commission on 11 February 2014 ordering Poland to recover from the Gdynia-Kosakowo Airport improperly paid State aid;

— Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

In support of their action the applicants put forward the following pleas in law.

1. The first plea in law:

— Arbitrariness and flagrant error in the findings of fact taken as the basis on which the contested decision was adopted, a consequent failure on the part of the Commission to remain within the limits of its discretion, and manifest errors in the appraisal of the evidence.

2. The second plea in law:

— Failure on the part of the Commission to take account of factors and circumstances relevant to the legal appraisal of the investment in the Gdynia-Kosakowo Airport.

3. The third plea in law:

— Failure on the part of the Commission to remain within the limits of its discretion within the meaning of the case-law emphasising the obligation of an institution which enjoys discretion to explain why specific evidence and facts are taken into consideration, whereas others are rejected.

4. The fourth plea in law:

— Breach of Article 107(1) TFEU in conjunction with a general principle of European law — the principle of legal certainty and loyalty of the institution towards persons subject to the law — by reason of defective application and interpretation.

5. The fifth plea in law:

— Infringement comprising an erroneous legal classification of the facts and evidence, resulting in a breach by the contested decision of Article 107(1) TFEU by reason of the finding that, in this case, the conditions for recognition of the actions of the applicants as satisfying the private investor test were not met and it was not established that the investment project would have been carried out by a private investor, with the consequence that the Gdynia-Kosakowo investment was dependent on unauthorised public aid.

Action brought on 2 April 2014 — Regione autonoma della Sardegna v Commission

(Case T-219/14)

(2014/C 175/68)

Language of the case: Italian

Parties

Applicant: Regione autonoma della Sardegna (represented by: T. Ledda, S. Sau, G. Roberti, G. Bellitti and I. Perego, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— Annul, in whole or in part, the contested decision in so far as:

— it classified the compensation paid for public services pursuant to Regional Law No 15 of 7 August 2012 and the capital finance approved by the general meeting of Saremar's shareholders on 15 June 2012 as State aid;