

**Action brought on 26 June 2014 — Banco de Albacete v Commission****(Case T-483/14)**

(2014/C 261/81)

*Language of the case: Spanish***Parties**

*Applicant:* Banco de Albacete, SA (Madrid, Spain) (represented by: J.L. Buendía Sierra, E. Abad Valdenebro, R. Calvo Salinero, A. Lamadrid de Pablo and A. Biondi, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the General Court should:

- annul the contested decision in so far as it categorises the measures which, according to that decision, together constitute the ‘Spanish Tax Lease System’ as new State aid that is incompatible with the internal market;
- in the alternative, annul Articles 1 and 4 of the contested decision, which identify the investors in the Economic Interest Groupings (EIGs) as the beneficiaries of the alleged aid and as the sole addressees of the order for recovery;
- in the alternative, annul Article 4 of the contested decision, in so far as it orders recovery of the alleged aid;
- annul Article 4 of the contested decision, in so far as it makes a determination as to the lawfulness of private contracts between the investors and other entities; and
- order the Commission to pay the costs of these proceedings.

**Pleas in law and main arguments**

The pleas in law and main arguments are those raised in Case T-700/13 *Bankia v Commission*.

---

**Action brought on 26 June 2014 — Monthisa Residencial v Commission****(Case T-484/14)**

(2014/C 261/82)

*Language of the case: Spanish***Parties**

*Applicant:* Monthisa Residencial, SA (Madrid, Spain) (represented by: F. de Artúñano Rodríguez de Torres and J. Martínez Muro, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision in so far as it categorises the measures which, according to that decision, together constitute the ‘Spanish Tax Lease System’ as new State aid that is incompatible with the internal market;
- in the alternative, annul Articles 1 and 4 of the contested decision, which identify the investors in the Economic Interest Groupings (EIGs) as beneficiaries of the alleged aid and as the sole addressees of the order for recovery;

- in the alternative, annul Article 4 of the contested decision in so far as it orders recovery of the alleged aid in breach of general principles of EU law;
- order the Commission to pay the costs of these proceedings.

#### **Pleas in law and main arguments**

The pleas in law and main arguments are similar to those put forward in Case T-700/13 *Bankia v Commission*.

In particular, it is alleged that Article 107(1) TFEU and the general principle of EU law relating to the protection of legitimate expectations have been infringed.

---

### **Action brought on 26 June 2014 — Bon Net v OHIM — Aldi (Bon Appétit!)**

**(Case T-485/14)**

(2014/C 261/83)

*Language in which the application was lodged: English*

#### **Parties**

*Applicant:* Bon Net OOD (Sofia, Bulgaria) (represented by: A. Ivanova, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Aldi GmbH & Co. KG (Mülheim/Ruhr, Germany)

#### **Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 April 2014 given in Case R 1199/2013-2.

#### **Pleas in law and main arguments**

*Applicant for a Community trade mark:* The other party to the proceedings before the Board of Appeal

*Community trade mark concerned:* The figurative mark in colours red, white and blue containing the verbal elements 'Bon Appétit!' for goods in Class 29 — Community trade mark application No 8 693 764

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited in opposition:* National trade mark registrations

*Decision of the Opposition Division:* Rejected the opposition in its entirety

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 8(1)(b) CTMR.

---