

Within the context of the first plea in law, the applicant claims that the alleged aid from the Land budget was not covered by the opening decision.

2. Second plea in law: No State aid within the meaning of Article 107(1) TFEU

The applicant asserts that the dairies in connection with the funding of the milk quality tests would not receive State aid within the meaning of Article 107(1) TFEU because they were not given any selective advantage.

3. Third plea in law (in the alternative): No infringement of the notification requirement

The applicant submits that the measures must be regarded as 'existing aid'. The recovery therefore infringes Article 108 (1) and (3) TFEU and Article 14 of Regulation (EU) 2015/1589.

4. Fourth plea in law (in the alternative): An error of law was made in dismissing the compatibility of the aid with the internal market pursuant to Article 107(3) TFEU

5. Fifth plea in law (in the alternative): The order for recovery of the aid infringes the principle of the protection of legitimate expectations

⁽¹⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

**Action brought on 29 November 2015 — Marcas Costa Brava v OHIM — Excellent Brands JMI
(Cremcafé by Julius Meinl)**

(Case T-686/15)

(2016/C 048/90)

Language in which the application was lodged: English

Parties

Applicant: Marcas Costa Brava, SL (Sils, Spain) (represented by: E. Manresa Medina and J. Manresa Medina, lawyers)

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

Other party to the proceedings before the Board of Appeal: Excellent Brands JMI Ltd (Baar, Switzerland)

Details of the proceedings before OHIM

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community figurative mark in red and white colours containing the word elements 'Cremcafé by Julius Meinl' — Community trade mark No 11 406 915

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 29 September 2015 in Case R 2517/2014-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- consider proved the use of the Community Trademark No 2 423 705 Class 30 deemed and the Community Trademark application No 11 406 915 is incompatible with the Community Trademark No 2 423 705;
- order OHIM and possible co-defendants to pay all costs of the procedure.

Plea in law

- Erroneous interpretation of Article 15(1), 15(1)(a) and Article 8(1)(b) CTMR.

**Action brought on 29 November 2015 — Marcas Costa Brava/OHMI — Excellent Brands JMI
(Cremcaffé by Julius Meinl)**

(Case T-687/15)

(2016/C 048/91)

Language in which the application was lodged: English

Parties

Applicant: Marcas Costa Brava, SL (Sils, Spain) (represented by: E. Manresa Medina and J. Manresa Medina, lawyers)

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

Other party to the proceedings before the Board of Appeal: Excellent Brands JMI Ltd (Baar, Switzerland)

Details of the proceedings before OHIM

Applicant of the trade mark at issue: Other party to the proceedings the Board of Appeal before

Trade mark at issue: Community figurative mark in red and white colours containing the word elements 'Cremcaffé by Julius Meinl' — Community trade mark No 11 406 816

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 29 September 2015 in Case R 2757/2014-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;