

3. Third plea in law, alleging a breach of Article 107(1) TFEU because the Commission erroneously concluded that the arrangements between the airport and the applicants conferred an advantage on the applicants. The Commission erroneously refused to accept the comparator analysis proposed by the applicants and committed manifest errors of assessment and a failure to state reasons in its profitability analysis, by failing to attribute an appropriate value to the marketing services provided under the marketing services agreements; wrongly dismissing the rationale behind the airport's decision to purchase marketing services; erroneously dismissing the possibility that part of the marketing services may have been purchased for general interest purposes; basing its conclusions on incomplete, unreliable and inappropriate data for its calculation of profitability; and wrongly disregarding the wider benefits of the airport's Airport Services Agreement with Ryanair.
4. Fourth plea in law, alleging, on a subsidiary basis, a breach of Articles 107(1) and 108(2) TFEU, in that the Commission committed a manifest error of assessment and an error of law by finding that the aid to Ryanair and AMS was equal to the cumulated marginal losses of the airport (as calculated by the Commission) instead of the actual benefit to Ryanair and AMS. The Commission should have examined the extent to which the alleged benefit had actually been passed on to Ryanair's passengers. Further, it failed to quantify any competitive advantage that Ryanair enjoyed through the alleged aid, and it failed to explain properly why the recovery of the amount of aid specified in the decision was necessary to ensure the re-establishment of the situation prior to the grant of the aid.

Action brought on 20 April 2016 — Kofola ČeskoSlovensko v EUIPO — Mionetto (UGO)

(Case T-176/16)

(2016/C 222/31)

Language in which the application was lodged: English

Parties

Applicant: Kofola ČeskoSlovensko (Ostrava, Czech Republic) (represented by: L. Lorenc, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Mionetto SpA (Valdobbiadene, Italy)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word element 'UGO' — Application for registration No 11 541 851

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 22 February 2016 in Case R 2707/2014-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs.

Plea in law

— Infringement of Regulation No 207/2009 as amended and the rules of law relating to its application, in particular, incorrect consideration of the likelihood of confusion of the trademarks in question.

Action brought on 22 April 2016 — L'Oréal v EUIPO — Guinot (MASTER SMOKY)

(Case T-179/16)

(2016/C 222/32)

Language in which the application was lodged: French

Parties

Applicant: L'Oréal (Paris, France) (represented by: T. de Haan and P. Péters, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Guinot SAS (Paris, France)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'MASTER SMOKY' — Application for registration No 11 567 104

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 February 2016 in Case R 2905/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including those incurred by the applicant for the purposes of the proceedings before the Fifth Board of Appeal of EUIPO.

Plea in law

— Infringement of Article 8(1)(b) read in conjunction with Article 75 of Regulation No 207/2009.

Action brought on 22 April 2016 — L'Oréal v EUIPO — Guinot (MASTER SHAPE)

(Case T-180/16)

(2016/C 222/33)

Language in which the application was lodged: French

Parties

Applicant: L'Oréal (Paris, France) (represented by: T. de Haan and P. Péters, lawyers)