

3. Third plea in law, alleging that the applicant's re-designation in April 2016 is vitiated by a manifest error of assessment.
4. Fourth plea in law, alleging that applicant's re-designation in April 2016 violates the applicant's fundamental rights to respect for its reputation and peaceful enjoyment of its property and the principles of proportionality and non-discrimination.
5. Fifth plea in law, alleging that the applicant's re-designation in April 2016 is not required by and is contrary to the Joint Comprehensive Plan of Action.

Action brought on 1 July 2016 — Belgacom International Carrier Services/Commission

(Case T-351/16)

(2016/C 305/66)

Language of the case: English

Parties

Applicant: Belgacom International Carrier Services (Brussels, Belgium) (represented by: H. Vanhulle, B. van de Walle de Ghelcke, C. Borgers and N. Baeten, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission decision of 11 January 2016 on the excess profit exemption state aid scheme SA.37667 (2015/C) (ex 2015/NN) implemented by the Kingdom of Belgium;
- in the alternative, annul Articles 2-4 of the Decision;
- in any event, order the European Commission to pay the costs of the proceedings.

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 Commission has committed an error of law and a manifest error of assessment in the identification of the alleged aid measure and in its qualification as an aid scheme within the meaning of Article 1(d) of Council Regulation No 2015/1589 ⁽¹⁾ and Article 107 TFUE.
2. Second plea in law, alleging that the Commission infringed Article 107 TFUE, failed to state reasons and committed a manifest error of assessment in considering that the Belgian excess profit ruling system constitutes a State aid measure.
3. Third plea in law, alleging that the Commission infringed Article 16(1) of Council Regulation No 2015/1589 and the general principles of legal certainty and legitimate expectations in ordering the recovery of the alleged aid.

4. Fourth plea in law, alleging that the Commission infringed Article 2(6) TFUE and the principle of equal treatment, and misuses its powers, by using State aid rules to prohibit the Belgian excess profit ruling system.

⁽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 4 July 2016 — Brita v EUIPO — Aquis Wasser-Luft-Systeme (maxima)

(Case T-356/16)

(2016/C 305/67)

Language in which the application was lodged: German

Parties

Applicant: Brita GmbH (Taufkirchen, Germany) (represented by: S. Maaßen, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Aquis Wasser-Luft-Systeme GmbH (Rebstein, Switzerland)

Details of the proceedings before EUIPO

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

Trade mark at issue: International registration No 1 128 639 designating the European Union

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 3 May 2016 in Case R 99/2015-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and the decision of the Opposition Division of 11 November 2014 and alter them to the effect that the opposition is granted and the extension of international registration IR 1128639 'MAXIMA' to the field of EU trade marks is denied;
- order the defendant to pay the costs of the action and the appeal proceedings.

Pleas in law

- Infringement of Article 8(1)(b) and Article 43(2) and (3) of Regulation No 207/2009;
- Infringement of Article 42(2) and (3) of Regulation No 207/2009.

Action brought on 7 July 2016 — Zoetis Belgium v Commission

(Case T-363/16)

(2016/C 305/68)

Language of the case: English

Parties

Applicant: Zoetis Belgium (Ottignies-Louvain-la-Neuve, Belgium) (represented by: H. Vanhulle, B. van de Walle de Ghelcke, C. Borgers and N. Baeten, lawyers)

Defendant: European Commission