

4. Fourth plea in law, alleging infringement of Article 108 TFEU and Articles 1(b)(i), 17, 18 and 19 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).
 - By this plea in law, the applicant submits that if the measure examined in the decision is held to constitute state aid, it should, in any event, be given the treatment provided for existing aid.
5. Fifth plea in law, alleging infringement of Article 296 TFEU and Article 41(1)(c) of the Charter of Fundamental Rights of the European Union.
 - By this plea in law, the applicant submits that the Commission failed to state sufficient reasons in the contested decision, since it did not assess essential elements of the definition of state aid, did not respond to reasoned arguments made by the parties and disregarded essential elements of the burden of proof.

Action brought on 3 October 2016 — Enoitalia v EUIPO — La Rural Viñedos y Bodegas (ANTONIO RUBINI)

(Case T-707/16)

(2016/C 419/74)

Language in which the application was lodged: English

Parties

Applicant: Enoitalia, Corte Vigna, Baldo, Belvino, Ca' del Lago, Invino, Vinuva, Cantine Borsari, Ca' Montini, E.I., Enoi, V.E.B., Cbe, Ca.Pi SpA (Enoitalia SpA) (Calmasino di Bardolino, Italy) (represented by: S. Rizzo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: La Rural Viñedos y Bodegas SA Ltda (Capital Federal, Argentina)

Details of the proceedings before EUIPO

Proprietor: Applicant

Trade mark at issue: EU word mark 'ANTONIO RUBINI' — EU trade mark No 9 526 955

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 28 June 2016 in Case R 1085/2015-5

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 Article 53(1)(a) read in conjunction with Article 8(1)(b) of Regulation No 207/2009.
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