

Order of the General Court of 16 December 2016 — Ica Foods v EUIPO — San Lucio (GROK)**(Case T-774/14)** ⁽¹⁾**(EU trade mark — Invalidity proceedings — Withdrawal of the application for registration — No need to adjudicate)**

(2017/C 053/35)

*Language of the case: Italian***Parties***Applicant:* Ica Foods SpA (Pomezia, Italy) (represented by: A. Nespega, lawyer)*Defendant:* European Union Intellectual Property Office (represented by: L. Rampini, acting as Agent)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* San Lucio Srl (San Gervasio Bresciano, Italy) (represented by: F. Sangiacomo, lawyer)**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 9 September 2014 (Case R 1815/2013-2), relating to invalidity proceedings between San Lucio Srl and Ica Foods SpA.

Operative part of the order

1. *There is no longer any need to rule on the action.*
2. *Ica Foods SpA and San Lucio Srl shall bear their own costs and shall each pay half of the costs incurred by the European Union Intellectual Property Office (EUIPO).*

⁽¹⁾ OJ C 26, 26.1.2015.

Action brought on 7 November 2016 — Salehi v Commission**(Case T-773/16)**

(2017/C 053/36)

*Language of the case: German***Parties***Applicant:* Dominik Salehi (Bremen, Germany) (represented by: C. Drews, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- declare that the defendant has infringed Article 1(4) of Regulation (EC) No 539/2001 (as amended by Regulation (EU) No 1289/2013) by failing to refer to the applicant's letters of 1 July 2016 and 16 September 2016 to take the measures provided for in that provision and to send a communication to the applicant;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law: infringement of the principle of reciprocity by the strict application of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015

1. Second plea in law, defendant's failure to act

The applicant complains that the Commission has not adopted measures pursuant to Article 1(4)(e)(i) of Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ 2001 L 81, p. 1).

Action brought on 30 November 2016 — QG v Commission

(Case T-845/16)

(2017/C 053/37)

Language of the case: Spanish

Parties

Applicant: QG (Madrid, Spain) (represented by: L. Ruiz Ezquerra, R. Oncina Borrego, I. Sobrepera Millet y A. Hernández Pardo, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- declare that the Commission Decision of 4 July 2016 on State aid SA. 29769 (2013/C) (ex 2013/NN), granted by Spain to certain football clubs, infringes Articles 107(1) and 108(3) of the TFEU, since the possibility of consolidating accounts brought about by the authorisation of four clubs to participate in different sports under Law 10/1990, as well as the application of the reduced tax rate under the same corporate tax, also constitute State aid incompatible with the internal market and, therefore, should be declared to be such by the European Commission.
- consequently, provide for the withdrawal/annulment of the measure and require the Kingdom of Spain to recover from the beneficiaries the aid that is incompatible with the internal market, and order it to pay costs in that regard.

Pleas in law and main arguments

In support of the action, the applicant alleges an infringement of Articles 107(1) and 108(3) of the TFEU.

The applicant, a basketball club, expresses its agreement with the contested measure, inasmuch as it considers the measure introduced by Law 10/1990, consisting in more favourable treatment in terms of corporation tax by applying a reduced rate of taxation to certain football clubs, to be State aid incompatible with the internal market.

Nonetheless the applicant considers that the Commission should have reached the same conclusion in respect of the tax privilege provided for in Law 10/1990 and which consists in permitting those same clubs to participate in different sports.