

3. Third plea in law, alleging that the defendant violated specific provisions of the TFEU and the general principles of European law regarding the prohibition of discrimination, free provision of services and free establishment that have underpinned the liberalisation of the air transport market in the EU since the late 1980s<sup>(1)</sup>. The liberalisation of the air transport market in the EU has allowed the growth of truly pan-European low-fares airlines. Nevertheless, it is argued that the defendant ignored the damage caused by the COVID-19 crisis to such pan-European airlines and their role in the air connectivity of France by authorising France to reserve aid to Air France. The applicants also argue that Article 107(3)(b) TFEU provides for an exception to the prohibition of State aid under Article 107(1) TFEU, but it does not provide for an exception to the other rules and principles of the TFEU.
4. Fourth plea in law, alleging that the defendant failed to initiate a formal investigation procedure despite serious difficulties and violated the applicants' procedural rights.
5. Fifth plea in law, alleging that the defendant violated its duty to state reasons.

<sup>(1)</sup> OJ 2021 C 50, p. 3.

<sup>(2)</sup> Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance) (OJ 2008 L 293, p. 3–20).

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**Action brought on 23 April 2021 — Thomas Henry v EUIPO (Spicy Ginger)**

**(Case T-220/21)**

(2021/C 217/87)

*Language of the case: German*

**Parties**

*Applicant:* Thomas Henry GmbH (Berlin, Germany) (represented by: O. Spieker, A. Schönfleisch and N. Willich, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

**Details of the proceedings before EUIPO**

*Trade mark at issue:* Application for registration of EU word mark Spicy Ginger — Application for registration No 18 093 014

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 12 February 2021 in Case R 435/2020-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

**Pleas in law**

- Infringement of Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in conjunction with Article 7(2) thereof;
  - Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in conjunction with Article 7(2) thereof.
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