

- in so far as necessary, annul the defendant's decision of 3 March 2021 rejecting the complaint lodged by the applicant against the implicit decision, the Conclusions and the decisions of 5 August 2020.
- order the defendant to pay all the costs.

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 lack of clarity and transparency, breach of the principle of legal certainty, manifest error of assessment and violation of principle 6 of MB (Management Board) Decision 2020/5.
2. Second plea in law, alleging lack of motivation.
3. Third plea in law, alleging violation of Annex 1 of the Administrative Notice.
4. Fourth plea in law, alleging violation of the 7th and 8th principles of the MB Decision 2020/5, violation of the principle of good administration and of Article 41 of the Charter of Fundamental Rights of the EU and violation of the duty of care.

Action brought on 19 June 2021 — Ryanair v Commission

(Case T-340/21)

(2021/C 329/42)

Language of the case: English

Parties

Applicant: Ryanair DAC (Swords, Ireland) (represented by: E. Vahida, F.-C. Lapr v te, V. Blanc, S. Rating and I.-G. Metaxas-Maranghidis, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision of 23 December 2020 on State aid SA.59462 (2020/N) — *Greece — COVID-19: Damage compensation for Aegean Airlines* (¹); and
- order the defendant to pay the costs.

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 defendant misapplied Article 107(2)(b) TFEU and committed a manifest error of assessment in its review of the proportionality of the aid to the damage caused by the COVID-19 crisis.
2. Second plea in law, alleging that the contested decision violates specific provisions of the TFEU, the general principles of European law that have underpinned the liberalisation of air transport in the EU since the late 1980s (*i.e.*, non-discrimination, free provision of services and free establishment) and Regulation (EC) No 1008/2008 (²).
3. Third plea in law, alleging that the defendant failed to initiate a formal investigation procedure despite serious difficulties and violated the applicant's procedural rights.

4. Fourth plea in law, alleging that the defendant violated its duty to state reasons.

⁽¹⁾ OJ 2021 C 122, p. 15 and 16.

⁽²⁾ 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).

Action brought on 19 June 2021 — Bambu Sales v EUIPO (BAMBU)

(Case T-342/21)

(2021/C 329/43)

Language of the case: English

Parties

Applicant: Bambu Sales, Inc. (Secaucus, New Jersey, United States) (represented by: T. Stein, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union word mark BAMBU — Application for registration No 18 105 815

Contested decision: Decision of the First Board of Appeal of EUIPO of 20 April 2021 in Case R 1702/2020-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in its entirety;
- order EUIPO to pay the costs incurred by the applicant.

Pleas in law

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

Action brought on 21 June 2021 — Hewlett Packard Enterprise Development v EUIPO — Aruba (ARUBA)

(Case T-343/21)

(2021/C 329/44)

Language of the case: English

Parties

Applicant: Hewlett Packard Enterprise Development LP (Houston, Texas, United States) (represented by: P. Roncaglia and N. Parrotta, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Aruba SpA (Bibbiena, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court