

**Pleas in law and main arguments**

In support of their action against Commission Decision (EU) 2022/1414 of 4 December 2020 on aid scheme SA.21259 (2018/C) (ex 2018/NN) implemented by Portugal for Zona Franca da Madeira (ZFM) — Regime III (notified under document C(2020) 8550) (OJ 2022 L 217, p. 49), the applicants rely on four pleas in law which are essentially identical or similar to those relied on in Case T-718/22, *Eutelsat Madeira v Commission*.

---

**Action brought on 21 November 2022 — Odeon Cinemas Holdings v EUIPO — Academy of Motion Picture Arts and Sciences (OSCAR)****(Case T-727/22)**

(2023/C 24/87)

*Language in which the application was lodged: English***Parties**

*Applicant:* Odeon Cinemas Holdings Ltd (London, United Kingdom) (represented by: L. Axel Karnøe Søndergaard, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Academy of Motion Picture Arts and Sciences (Beverly Hills, California, United States)

**Details of the proceedings before EUIPO**

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

*Trade mark at issue:* European Union word mark OSCAR — European Union trade mark No 2 931 038

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 6 September 2022 in Case R 1841/2021-5

**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 58(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

---

**Action brought on 22 November 2022 — Industrias Lácteas Asturianas v EUIPO — Qingdao United Dairy (NAMLAC)****(Case T-728/22)**

(2023/C 24/88)

*Language in which the application was lodged: Spanish***Parties**

*Applicant:* Industrias Lácteas Asturianas, SA (Madrid, Spain) (represented by: J.C. Riera Blanco, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Qingdao United Dairy Co. Ltd (Qingdao, China)

### **Details of the proceedings before EUIPO**

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

*Trade mark at issue:* Application for the EU word mark NAMLAC — Application for registration No 18 126 515

*Proceedings before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 6 September 2022 in Case R 1563/2021-4

### **Form of order sought**

The applicant claims that the Court should:

— annul the contested decision.

### **Plea in law**

Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

---

## **Action brought on 22 November 2022 — Complejo Agrícola Las Lomas v Commission**

**(Case T-729/22)**

(2023/C 24/89)

*Language of the case: Spanish*

### **Parties**

*Applicant:* Complejo Agrícola Las Lomas SL (Madrid, Spain) (represented by: J. Sedano Lorenzo, lawyer)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

— declare null and without legal effect section 4.1.8 of Spain's CAP 2023-2027 strategic plan approved by Commission Implementing Decision of 31 August 2022 approving the 2023-2027 CAP Strategic Plan of Spain for Union support financed by the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development, which imposes a cap of EUR 200 000 on the basic income support received by each farmer ('the measure').

### **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 infringement of Article 17 of Regulation (EU) 2021/2115 <sup>(1)</sup> establishing rules on support for national strategic plans for the CAP and repealing Regulations (EU) 1305/2013 and (EU) 1307/2013.

— The applicant claims that Regulation (EU) 2021/2115 allows Member States to determine which interventions among those listed in Chapters II, III and IV of Title II best suit their specific needs and how to structure them. However, the contested decision includes an intervention other than those provided for in that article, with the result that the Commission acted *ultra vires* and went beyond the mandate of Regulation (EU) 2021/2115.