

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'Eddy's Snackcompany' — Application for registration No 14 363 931

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 11 July 2017 in Case R 1999/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- definitively reject the other party's opposition to trade mark application No 14363931 'Eddy's Snackcompany' submitted by Eddy's Snack Company GmbH;
- order EUIPO to allow trade mark application No 14363931 'Eddy's Snackcompany' to proceed to registration for all designated goods;
- at the very least, order EUIPO to grant trade mark application No 14363931 'Eddy's Snackcompany' for all designated goods in Classes 29, 31 and 32;
- order the other party or EUIPO jointly or individually to pay the applicant's costs, disbursements and fees in the proceedings before the Court and in the opposition and appeal proceedings before EUIPO.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Article 74(1) of Regulation No 207/2009.

Action brought on 27 September 2017 — Maico Holding v EUIPO — Eico (Eico)

(Case T-668/17)

(2017/C 382/72)

Language in which the application was lodged: German

Parties

Applicant: Maico Holding GmbH (Villingen-Schwenningen, Germany) (represented by: T. Krüger and D. Deckers, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Eico A/S (Brønderslev, Denmark)

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: EU trade mark application No 13 706 726

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 27 July 2017 in Case R 2089/2016-4

Form of order sought

The applicant claims that the Court should:

- Set aside the contested decision of the Fourth Board of Appeal of EUIPO of 27 July 2017, No R 2089/2016-4 *Eico v Maico*, and the opposition decision of 26 October 2016, No B 002528654, and amend them in such a way that the appeal and the opposition are upheld in their entirety;
- order EUIPO to pay the costs of the proceedings, including the costs incurred in the appeal proceedings.

Plea in law

- Infringement of Article 42 of Regulation No 207/2009, in conjunction with Article 8(1)(b) thereof.

Action brought on 26 September 2017 — Port autonome du Centre et de l'Ouest and Others v Commission

(Case T-673/17)

(2017/C 382/73)

Language of the case: French

Parties

Applicants: Port autonome du Centre et de l'Ouest SCRL (La Louvière, Belgium), Port autonome de Namur (Namur, Belgium), Port autonome de Charleroi (Charleroi, Belgium), Port autonome de Liège (Liège, Belgium) and Région wallonne (Iambes, Belgium) (represented by: J. Vanden Eynde, lawyer)

Defendant: European Commission

Form of order sought

- Declare this application admissible as regards each of the applicants and, in consequence, annul Commission Decision SA.38393 (2016CP, ex 2015/E) — Taxation of ports in Belgium (C(2017) 5174 final);
- Declare this action admissible and well-founded;
- Consequently, annul the decision of the European Commission to regard the fact that the economic activities of the Belgian ports, and in particular the Walloon ports, are not subject to corporate tax as State aid incompatible with the internal market;
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely, in essence, on a single plea in law. In their opinion, from the outset the Commission disregarded Article 93 TFEU, which institutes specific rules for the transport sector and, accordingly, for ports, thus failing to take account of the intention of the European legislature.

The Commission's assessment is not justified either in fact or in law and runs counter to the text of Article 1 of the Belgian Income Code (CIR) and the prerogatives of the public authorities to define non-economic activities of general interest.