

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The application is based on one plea in law, arguing that the exemption from network usage charges is not aid within the meaning of Article 107(1) TFEU.

In that regard, the applicants first claim that the exemption from network usage charges did not entail the use of State or State-granted resources. It is further claimed that the defendant erred when considering that the Paragraph 19 surcharge constitutes a 'levy' or 'parafiscal levy' imposed by the State on end-users within the meaning of the judgment of 17 July 2008, *Essent Netwerk Noord and Others* (C-206/06, EU:C:2008:413).

It is further submitted that the baseload consumers were not granted a selective advantage.

Action brought on 9 April 2019 — A9.com v EUIPO (Device of a bell icon)

(Case T-240/19)

(2019/C 213/55)

Language of the case: English

Parties

Applicant: A9.com, Inc. (Palo Alto, California, United States) (represented by: A. Klett and C. Mikyska, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union figurative mark (Representation of device of a bell icon — Application for registration No 17 868 712)

Contested decision: Decision of the Second Board of Appeal of EUIPO of 4 February 2019 in Case R 1309/2018-2

Form of order sought

The applicant claims that:

- The Court annuls the contested decision.
- The respondent must pay the costs of the proceedings before the General Court and the proceedings before the Board of Appeal including the necessary expenses of Applicant in both proceedings.

Pleas in law

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