

Action brought on 21 June 2016 — VF Europe v Commission**(Case T-324/16)**

(2016/C 305/59)

*Language of the case: English***Parties**

Applicant: VF Europe BVBA (Bornem, Belgium) (represented by: H. Vanhulle, B. van de Walle de Ghelcke, C. Borgers and N. Baeten, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission decision of 11 January 2016 on the excess profit exemption state aid scheme SA.37667 (2015/C) (ex 2015/NN) implemented by the Kingdom of Belgium;
- in the alternative, annul Articles 2-4 of the Decision;
- in any event, order the European Commission to pay the costs of the proceedings.

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 Commission has committed an error of law and a manifest error of assessment in the identification of the alleged aid measure and in its qualification as an aid scheme within the meaning of Article 1(d) of Council Regulation No 2015/1589 ⁽¹⁾ and Article 107 TFUE.
2. Second plea in law, alleging that the Commission infringed Article 107 TFUE, failed to state reasons and committed a manifest error of assessment in considering that the Belgian excess profit ruling system constitutes a State aid measure.
3. Third plea in law, alleging that the Commission infringed Article 16(1) of Council Regulation No 2015/1589 and the general principles of legal certainty and legitimate expectations in ordering the recovery of the alleged aid.
4. Fourth plea in law, alleging that the Commission infringed Article 2(6) TFUE and the principle of equal treatment, and misuses its powers, by using State aid rules to prohibit the Belgian excess profit ruling system.

⁽¹⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015, L 248, p. 9).

Action brought on 23 June 2016 — Paice v EUIPO — Blackmore (DEEP PURPLE)**(Case T-328/16)**

(2016/C 305/60)

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

Applicant: Ian Paice (London, United Kingdom) (represented by: M. Engelman, Barrister and J. Stephenson, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Richard Hugh Blackmore (New York, New York, United States)

Details of the proceedings before EUIPO

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

Trade mark at issue: EU word mark 'DEEP PURPLE' — Application for registration No 11 772 721

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 21 March 2016 in Case R 736/2015-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision in any way it sees fit, namely that the trade mark be rejected in its entirety for all of the goods and services for which it was filed;
- order EUIPO to pay the applicant's costs of this appeal.

Plea in law

- Infringement of Article 8(4) of Regulation No 207/2009.

Appeal brought on 20 June 2016 by FN, FP, and FQ against the judgment of the Civil Service Tribunal of 11 April 2016 in Case F-41/15 DISS II FN and Others v CEPOL

(Case T-334/16 P)

(2016/C 305/61)

Language of the case: English

Parties

Appellants: FN (Budapest, Hungary), FP (Bratislava, Slovakia), FQ (Les Fonts Benitachell, Spain) (represented by: L. Levi and A. Blot, lawyers)

Other party to the proceedings: European Police College (CEPOL)

Form of order sought by the appellant

The appellants claim that the Court should:

- annul the judgment of the Civil Service Tribunal of 11 April [2016] in Case F-41/15 DISS II, FN e.a. v CEPOL, and as a consequence,
- annul the CEPOL decision n° 17/2014/DIR dated 23 May 2014, providing for the relocation of CEPOL in Budapest, Hungary, as from 1st October 2014 and informing the appellants that 'Non compliance with this instruction will be considered as resignation with the effect of 30 September 2014',
- annul the CEPOL decisions dated 28 November 2014, rejecting the appellants' complaints lodged between 8 and 21 August 2014, against the decision of 23 May 2014,
- order CEPOL to compensate the material and moral prejudices suffered by the appellants,
- order CEPOL to bear the costs of the appellants related to the present appeal and in case F-41/15 DISS II.