

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 207/2009, as the Board of Appeal failed: (i) to appreciate that there were sufficient visual, aural and conceptual differences between the marks, particularly with respect to its analysis of the conceptual meanings of the marks; (ii) to properly circumscribe and analyse the dominant element of the contested signs; and (iii) to properly take into consideration the level of attention of the average consumer of the category of goods concerned.

Action brought on 22 November 2011 — Anbouba v Council

(Case T-592/11)

(2012/C 25/118)

Language of the case: French

Parties

Applicant: Issam Anbouba (Homs, Syria) (represented by: M.-A. Bastin and J.-M. Salva, lawyers)

Defendant: Council of the European Union

Form of order sought

- Declare this application admissible in all its elements;
- Declare it well founded in all its pleas in law;
- Grant the joinder of the present application with the application in Case T-563/11;
- State that the contested acts may be annulled in part since the part of the acts which is to be annulled can be separated from the act as a whole;
- Accordingly
 - Annul in part Council Decision 2011/684/CFSP of 13 October 2011, and Regulation (EU) No 1011/2011 of 13 October 2011 by deleting the listing of Mr Issam Anbouba and references to him as supporting the current regime in Syria;
 - Failing that, annul Council Decision 2011/684/CFSP of 13 October 2011 and Regulation (EU) No 1011/2011 of 13 October 2011 concerning restrictive measures in view of the situation in Syria;
 - Failing that, declare those decisions and the regulation inapplicable as regards Issam Anbouba and order the removal of his name and references from the list of persons who are the object of sanctions by the European Union;

- Order the Council provisionally to pay one euro in damages as compensation for the non-pecuniary and pecuniary harm suffered by reason of the designation of Mr Issam Anbouba as a supporter of the current regime in Syria;

- Order the Council to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicant raises two pleas in law which are in essence identical or similar to those raised in Case T-563/11 *Anbouba v Council*.

Action brought on 28 November 2011 — Al-Chihabi v Council

(Case T-593/11)

(2012/C 25/119)

Language of the case: English

Parties

Applicant: Fares Al-Chihabi (Aleppo, Syria) (represented by: L. Ruessmann and W. Berg, lawyers)

Defendant: Council of the European Union

Form of order sought

- Annul Council Regulation (EU) No 878/2011 of 2 September 2011⁽¹⁾ and Council Regulation (EU) No 1011/2011 of 13 October 2011⁽²⁾, as well as Council Decision 2011/522/CFSP of 2 September 2011⁽³⁾ and Council Decision 2011/684/CFSP of 13 October 2011⁽⁴⁾, and any later legislation to the extent they perpetuate and/or replace the restrictive measures, in so far as they relate to the applicant; and
- Order the defendant 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 infringement of the right to good administration, in particular the obligation to state reasons, provided for in Article 41 of the Charter of Fundamental Rights of the European Union, Article 216 TFEU and Article 14 (2) of Council Regulation (EU) No 442/2011⁽⁵⁾.
2. Second plea in law, alleging violation of the applicant's rights of the defence, in particular the right to be heard, and the right to effective judicial review of those rights.