

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

### **Details of the proceedings before OHIM**

*Trade mark at issue:* Community figurative mark containing the word elements 'EFEKT PERLENIA' — Application for registration No 12 668 125.

*Contested decision:* Decision of the Fifth Board of Appeal of OHIM of 13 March 2015 in Case R 2352/2014-5.

### **Form of order sought**

The applicant claims that Court should:

- declare the action to be well founded;
- set aside the contested decision in so far as it rejected the application for registration;
- amend the contested decision in such a way that the mark may be registered for all of the goods and services claimed;
- order OHIM to pay the costs.

### **Plea in law**

- Breach of Article 7(1)(c) of Regulation No 207/2009.

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### **Action brought on 1 June 2015 — Barqawi v Council**

(Case T-303/15)

(2015/C 245/55)

*Language of the case: French*

### **Parties**

*Applicant:* Ahmad Barqawi (Dubai, United Arab Emirates) (represented by: J.-P. Buyle and L. Cloquet, lawyers)

*Defendant:* Council of the European Union

### **Form of order sought**

The applicant claims that the Court should:

- annul Council Implementing Regulation (EU) No 2015/375 of 6 March 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, in so far as it concerns the applicant;
- annul Council Implementing Decision (CFSP) 2015/383 of 6 March 2015 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as it concerns the applicant;
- order the Council to pay all the costs of the proceedings, including those incurred by the applicant.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on six pleas in law.

1. First plea in law, alleging an infringement of the rights of the defence and of the right to a fair trial, since the applicant was never heard before the sanctions at issue were imposed.

2. Second plea in law, alleging a manifest error of appraisal of the facts, in so far as the Council failed to adduce evidence of the facts indicated which underpin the reasoning of the measures taken.
3. Third plea in law, alleging an infringement of the general principle of proportionality.
4. Fourth plea in law, alleging a disproportionate infringement of the right to property and the right to engage in an occupation.
5. Fifth plea in law, alleging an abuse of power. The applicant claims that, in so far as the measures adopted by the Council have no effect on the Syrian regime and in so far as applicant always complied with the sanctions imposed by the international community and always remained independent of the incumbent regime, there is reason to believe that the contested measures were adopted for reasons other than those indicated in those measures (market exclusion — favouring other players).
6. Sixth plea in law, alleging an infringement of the obligation to state reasons, since the Council's reasons in support of the contested measures are elliptical and make no reference to specific facts or dates allowing the applicant to identify the commercial operations which he is alleged to have carried out.

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**Action brought on 1 June 2015 — Abdulkarim v Council**

**(Case T-304/15)**

(2015/C 245/56)

*Language of the case: French*

**Parties**

*Applicant:* Mouhamad Wael Abdulkarim (Dubai, United Arab Emirates) (represented by: J.-P. Buyle and L. Cloquet, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- annul Council Implementing Regulation (EU) No 2015/375 of 6 March 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, in so far as it concerns the applicant;
- annul Council Implementing Decision (CFSP) 2015/383 of 6 March 2015 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as it concerns the applicant;
- order the Council to pay all the costs of the proceedings, including those incurred by the applicant.

**Pleas in law and main arguments**

In support of the action, the applicant relies on six pleas in law which are essentially identical or similar to those invoked in the context of Case T-303/15 *Barqawi v Council*.

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