

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 February 2014 given in Case R 1503/2013-4;
- Order the defendant to pay the costs of proceedings.

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'HALLOUMI' for goods in Class 29 — Community trade mark application No 11 570 124

*Decision of the Examiner:* Rejected the application in its entirety

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Article 7(1)(c) and (b) CTMR.

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**Action brought on 1 May 2014 — PKK/Conseil**

**(Case T-316/14)**

(2014/C 245/30)

*Language of the case: English*

**Parties**

*Applicant:* Kurdistan Workers' Party (PKK) (represented by: A. van Eik, T. Buruma and M. Wijngaarden, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- Annul Council Implementing Regulation (EU) No 125/2014 <sup>(1)</sup> insofar as it concerns the PKK (a.k.a. KADEK a.k.a. Kongra-GEL);
- Determine that Council Regulation (EC) No 2580/2001 <sup>(2)</sup> is not applicable to the PKK (a.k.a. KADEK a.k.a. Kongra-GEL);
- In the alternative, determine that a lesser measure than continued placement on the list is warranted;
- Award of costs and interest to the applicant.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK and/or Council Regulation (EC) No 2580/2001 is inapplicable due to a failure to observe the law of armed conflict.
2. Second plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK since the PKK cannot be qualified as a 'terrorist organisation' as defined in Article 1(3) of Council Common Position 2001/931/CFSP <sup>(3)</sup>.
3. Third plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK because no decision by a competent authority, as required by Article 1(4) of Council Common Position 2001/931/CFSP has been taken.

4. Fourth plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK as the decision is in part based on information obtained through torture or ill-treatment, thereby failing to respect the fundamental rights, observe the principles and promote the application thereof in accordance with Article 51 of the Charter of Fundamental Rights.
5. Fifth plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK since the Council has not conducted any proper review as required by Article 1(6) of Council Common Position 2001/931/CFSP.
6. Sixth plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK as the decision does not comply with the requirements of proportionality and subsidiarity.
7. Seventh plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK as it does not comply with the obligation to state reasons in conformity with Article 296 TFUE.
8. Eighth plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK because it infringes upon the PKK's right of defense and its right to effective judicial protection.

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<sup>(1)</sup> Council Implementing Regulation (EU) No 125/2014 of 10 February 2014 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 714/2013.

<sup>(2)</sup> Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.

<sup>(3)</sup> Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism.

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**Action brought on 8 May 2014 — Novomatic v OHIM — Granini France (HOT JOKER)**

**(Case T-326/14)**

(2014/C 245/31)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Novomatic AG (Gumpoldskirchen, Austria) (represented by: W. M. Mosing, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Granini France (Macon, France)

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of 6 February 2014 in Case R 589/2013-2, with the consequence that the opposition is rejected and the Community trade mark No 9 594 458 is registered as applied for;
- order that the defendant and — in case it intervenes in writing — the other party to the proceedings with OHIM have to bear their own costs and have to compensate the costs incurred by the Plaintiff in the proceeding in front of the General Court and in the appeal proceeding with OHIM

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The figurative mark containing the word elements 'HOT JOKER' for goods in Classes 9 and 28 — Community trade mark application No 9 594 458

*Proprietor of the mark or sign cited in the opposition proceedings:* Granini France