

Pleas in law

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

Action brought on 30 May 2022 — International Foodstuffs v EUIPO — Société des produits Nestlé (TIFFANY CRUNCH N CREAM)**(Case T-321/22)**

(2022/C 276/31)

*Language in which the application was lodged: English***Parties***Applicant:* International Foodstuffs Co. LLC (Sharjah, United Arab Emirates) (represented by: J. Blum, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Société des produits Nestlé SA (Vevey, Switzerland)**Details of the proceedings before EUIPO***Applicant of the trade mark at issue:* Applicant before the General Court*Trade mark at issue:* Application for European Union word mark TIFFANY CRUNCH N CREAM — Application for registration No 18 002 077*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 21 March 2022 in Case R 2136/2020-2**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision in its entirety;
- order, pursuant to Article 134 of the Rules of Procedure of the General Court, EUIPO and the intervener to pay the costs incurred by the applicant in the present proceedings.

Plea in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 1 June 2022 — Konov v Council**(Case T-326/22)**

(2022/C 276/32)

*Language of the case: French***Parties***Applicant:* Dmitry Konov (Moscow, Russia) (represented by: F. Bélot, lawyer)*Defendant:* Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/397 ⁽¹⁾ of 9 March 2022 in so far as it includes the applicant's name on the list in Annex I to Council Decision (CFSP) 2014/145 of 17 March 2014;
- annul Council Implementing Regulation (EU) 2022/396 ⁽²⁾ of 9 March 2022 in so far as it includes the applicant's name on the list in Annex I to Council Regulation (EU) No 2014/269 of 17 March 2014;
- order the Council to pay EUR 500 000 on a provisional basis in respect of the non-material damage suffered by the applicant;
- order the Council to pay the costs.

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 effective judicial protection and the obligation to state reasons. The applicant submits, first of all, that the Council has not set out individual, specific and concrete reasons that would provide him with a sufficient indication of the validity of the restrictive measures taken against him. He considers that the contested decisions do not have a sufficiently solid factual basis and are based on grounds that are unsubstantiated and the cogency of which is only abstract. The applicant considers, next, that the Council has placed the burden on him to provide proof that the general facts alleged against him are not true, thus reversing the burden of proof, which is contrary to the most fundamental rights of the defence. Lastly, the applicant claims that the alleged grounds are insufficient and that there is no credible and substantive evidence in support of those grounds, and submits that that prevents an adequate judicial review of the lawfulness of the inclusion and maintenance of his name on the lists of persons subject to the restrictive measures in question.
2. Second plea in law, alleging a manifest error of assessment, on the ground that the applicant does not exercise, and has not exercised, decisive influence over the company PJSC SIBUR Holding. Furthermore, the company PJSC SIBUR Holding is not a significant source of revenue for the Russian government and does not have close ties to it.
3. Third plea in law, alleging infringement of the principle of proportionality and of equal treatment. The applicant submits that the grounds which allegedly justify the restrictive measures against him are discriminatory and disproportionate to the objective pursued by the Council.
4. Fourth plea in law, alleging infringement of the applicant's fundamental rights, namely the right to respect for property, the right to respect for his private and family life, the right of freedom to conduct a business and the right to the presumption of innocence.

⁽¹⁾ Council Decision (CFSP) 2022/397 of 9 March 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 80, p. 31).

⁽²⁾ Council Implementing Regulation (EU) 2022/396 of 9 March 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022, L 80, p. 1).

Action brought on 6 June 2022 — Khan v Council

(Case T-333/22)

(2022/C 276/33)

Language of the case: French

Parties

Applicant: German Khan (London, United Kingdom) (represented by: T. Marembert and A. Bass, lawyers)