

*Trade mark at issue:* EU word mark 'REPOWER' — International registration No 1 020 351

*Procedure before EUIPO:* Proceedings for a declaration of invalidity

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 8 February 2016 in Case R 2311/2014-5

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- declare the trade mark at issue invalid for all of the services and goods not declared invalid by the contested decision, with the exception of the packaging and storage of goods (Class 39); travel arrangement (Class 39); fire-extinguishing apparatus (Class 9);
- order EUIPO and Repower AG to pay the costs.

### **Pleas in law**

- Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009;
- Infringement of Article 75 of Regulation No 207/2009.

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## **Action brought on 27 April 2016 — Azarov v Council**

**(Case T-190/16)**

(2016/C 222/38)

*Language of the case: German*

### **Parties**

*Applicant:* Mykola Yanovych Azarov (Kiev, Ukraine) (represented by: G. Lansky and A. Egger, lawyers)

*Defendant:* Council of the European Union

### **Form of order sought**

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2016/318 of 4 March 2016 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2016 L 60, p. 76) and Council Implementing Regulation (EU) 2016/311 of 4 March 2016 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2016 L 60, p. 1), in so far as they concern the applicant;
- terminate certain judicial measures, in particular:
  - questions to the Council;
  - the invitation to the Council to comment, in writing or orally, on certain aspects of the case;
  - requests for information to the Council and third parties, in particular to the Commission, EADS and Ukraine;

- the invitation to submit documents or pieces of evidence in connection with the case;
- order the Council to bear 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: Infringement of basic rights**

In the context of this plea in law, the applicant asserts the infringement of the right to property and the infringement of the freedom to conduct a business. In addition, he criticises the excessiveness of the restrictive measures imposed.

#### **2. Second plea in law: Abuse of discretion**

In this regard, the applicant asserts inter alia that the Council misused its powers because, by imposing restrictive measures against the applicant, aims other than the consolidation and supporting of the rule of law and the respect of human rights in Ukraine were predominantly pursued.

#### **3. Third plea in law: Infringement of the principle of sound administration**

In the context of this plea in law, the applicant complains in particular of the infringement of the right to impartial treatment, the infringement of the right to just or fair treatment and the infringement of the right to a careful investigation of the facts.

#### **4. Fourth plea in law: Manifest errors of assessment**

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### **Action brought on 29 April 2016 — Klassisk investment v EUIPO (CLASSIC FINE FOODS)**

**(Case T-194/16)**

(2016/C 222/39)

*Language of the case: German*

### **Parties**

*Applicant:* Klassisk investment Ltd (Hong Kong, People's Republic of China) (represented by: J. Plate and R. Kaase, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

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

*Trade mark at issue:* International registration of the figurative mark with the word components 'CLASSIC FINE FOODS' designating the European Union — International registration No 1 222 164

*Contested decision:* Decision of the First Board of Appeal of the EUIPO of 29 January 2016 in Case R 1970/2015-1

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the EUIPO to pay the costs, including the costs before the Board of Appeal.