

**Judgment of the General Court of 23 September 2014 — Groupe Léa Nature v OHIM — Debonair Trading Internacional (SO'BiO ětic)**

(Case T-341/13) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community figurative mark SO'BiO ětic — Earlier Community and national word and figurative marks SO...? — Relative grounds for refusal — No likelihood of confusion — Article 8(1)(b) and (5) of Regulation (EC) No 207/2009 — Lack of genuine use of the earlier mark — Article 42(2) and (3) of Regulation No 207/2009)*

(2014/C 388/19)

Language of the case: English

**Parties**

*Applicant:* Groupe Léa Nature SA (Périgny, France) (represented by: S. Arnaud, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Geroulakos and V. Melgar, Agents)

*Other party to the proceedings before the Board of Appeal of OHIM intervener before the General Court:* Debonair Trading Internacional Lda (Funchal, Portugal) (represented by: T. Alkin, Barrister)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 26 March 2013 (Case R 203/2011-1), relating to opposition proceedings between Debonair Trading Internacional Lda and Groupe Léa Nature SA.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 26 March 2013 (Case R 203/2011-1);
2. Orders OHIM and Debonair Trading Internacional Lda each to bear their own costs, and to pay the costs of Groupe Léa Nature SA.

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<sup>(1)</sup> OJ C 260, 7.9.2013.

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**Judgment of the General Court of 24 September 2014 — Kadhaf Al Dam v Council**

(Case T-348/13) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures taken in view of the situation in Libya — Freezing of funds and economic resources — Obligation to state reasons — Manifest error of assessment — Temporal adjustment of the effects of annulment — Non-contractual liability)*

(2014/C 388/20)

Language of the case: French

**Parties**

*Applicant:* Ahmed Mohammed Kadhaf Al Dam (Cairo, Egypt) (represented by: H. de Charette, lawyer)

*Defendant:* Council of the European Union (represented by: A. Vitro and V. Piessevaux, agents)

**Re:**

First, action for partial annulment of Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya (OJ 2011 L 58, p. 53), Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya (OJ 2011 L 58, p. 1), Council Decision 2013/182/CFSP of 22 April 2013 amending Decision 2011/137/CFSP (OJ 2013 L 111, p. 50), Council Implementing Regulation (EU) No 689/2014 of 23 June 2014 implementing Article 16(2) of Regulation (EU) No 204/2011 (OJ 2014 L 183, p. 1) and of Council Decision 2014/380/CFSP of 23 June 2014 amending Decision 2011/137/CFSP (OJ 2014 L 183, p. 52), in so far as those acts cover the applicant and, second, a claim for damages.

**Operative part of the judgment**

*The Court:*

1. *Annuls Council Decisions 2013/182/CFSP of 22 April 2013 and 2014/380/CFSP of 23 June 2014 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya in so far as it retains the name of Mr Ahmed Mohammed Kadhaf Al Dam on the lists contained in Annexes II and IV to Council Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya.*
2. *Annuls Council Implementing Regulation (EU) No 689/2014 of 23 June 2014 implementing Article 16(2) of Regulation (EU) No 204/2011 in so far as it retains the name of Mr Kadhaf Al Dam on the list contained in Annex III to Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya.*
3. *Declares that the effects of Decision 2013/182, Decision 2014/380 and Implementing Regulation No 689/2014 shall be maintained in respect of Mr Kadhaf Al Dam until the expiry of the period for bringing an appeal against the present judgment or, if an appeal is lodged during that period, until the Court of Justice's decision.*
4. *Dismisses the remainder of the action.*
5. *Orders Mr Kadhaf Al Dam to bear, in addition to his own costs, the costs incurred by the Council in connection with his claim for damages.*
6. *Orders the Council to bear, in addition to its own costs, the costs incurred by Mr Kadhaf Al Dam in connection with the action for annulment.*

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<sup>(1)</sup> OJ C 298, 12.10.2013.

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**Action brought on 2 July 2014 — Novartis Europharm v Commission****(Case T-511/14)**

(2014/C 388/21)

*Language of the case: English***Parties**

*Applicant:* Novartis Europharm Ltd (Horsham, United Kingdom) (represented by: C. Schoonderbeek, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision; and
- order the European Commission to pay its own costs and those of Novartis.