

COURT OF FIRST INSTANCE

**Judgment of the Court of First Instance of 12 July 2006 —
Chafiq Ayadi v Council**(Case T-253/02) ⁽¹⁾*(Common foreign and security policy — Restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban — Competence of the Community — Freezing of funds — Fundamental rights — Jus cogens — Review by the Court — Action for annulment)*

(2006/C 224/73)

Language of the case: English

Parties

Applicant: Chafiq Ayadi (Dublin, Ireland) (represented by: initially by A. Lyon, H. Miller and M. Willis-Stewart, Solicitors, and S. Cox, Barrister, and subsequently by A. Lyon, H. Miller and S. Cox)

Defendant: Council of the European Union (represented by: M. Vitsentatos and M. Bishop, Agents)

Interveners in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented: initially by J. Collins, and subsequently by R. Caudwell, Agents, and by S. Moore, Barrister) and Commission of the European Communities (represented by: C. Brown and M. Wilderspin, Agents)

Re:

The partial annulment of Council Regulation No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (OJ 2002 L 139, p. 9)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to bear, in addition to his own costs, those of the Council;
3. Orders the United Kingdom of Great Britain and Northern Ireland and the Commission to bear their own costs.

⁽¹⁾ OJ C 289, 23.11.2002.

**Judgment of the Court of First Instance of 11 July 2006 —
Torres v OHIM — Bodegas Muga (Torre Muga)**(Case T-247/03) ⁽¹⁾*(Community trade mark — Opposition proceedings — Application for figurative Community trade mark Torre Muga — Earlier national and international word marks TORRES — Likelihood of confusion — Breach of the rights of the defence)*

(2006/C 224/74)

Language of the case: Spanish

Parties

Applicant: Miguel Torres (Vilafranca del Penedés, Spain) (represented by: E. Armijo Chávarri, M.A. Baz de San Ceferino and A. Castán Pérez-Gómez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: I. de Medrano Caballero and S. Laitinen, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Bodegas Muga, SA (Haro, Spain) (represented by: L.M. Polo Flores and F. Porcuna de la Rosa, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 7 April 2003 (Case R 998/2001-1) concerning opposition proceedings between Miguel Torres, SA, and Bodegas Muga, SA

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);
3. Orders the intervener to bear its own costs.

⁽¹⁾ OJ C 213, 6.9.2003.