

Action brought on 13 March 2007 — Mineral and Chemical Company 'EuroChem' v Council

(Case T-84/07)

(2007/C 117/40)

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

Applicant: Open Joint Stock Company Mineral and Chemical Company 'EuroChem' (Moscow, Russia) (represented by: P. Vander Schueren and B. Evtimov, lawyers)

Defendant: Council of the European Union

Form of order sought

- Annul the contested regulation, and in particular Article 1 thereof, insofar as it concerns the applicant and its related companies specified in recital 14(a) and (b) of the contested regulation; and
- order the defendant to pay the costs of and occasioned by these proceedings.

Pleas in law and main arguments

The applicant, who is a Russian producer and exporter of solutions of urea and ammonium nitrate, seeks the annulment of Council Regulation (EC) No 1911/2006 of 19 December 2006 imposing a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate originating in Algeria, Belarus, Russia and Ukraine following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96 ⁽¹⁾.

In support of its application, the applicant submits that the Community institutions established the normal value for the applicant wrongly and made a wrong comparison with the export price and hence made an erroneous finding of dumping. The Community institutions thereby committed a series of manifest errors of assessment and violated fundamental principles of Community law.

Furthermore, the applicant claims that the Community institutions violated Article 11(1) and (3) of the Basic Regulation ⁽²⁾ by failing to carry out an interim review in conjunction with the expiry review under Article 11(2) of the Basic Regulation and by adopting the contested regulation extending the duties at their original level, whilst having had the duty and the possibility to initiate an interim review either ex-officio or pursuant to sufficient evidence provided by the applicant.

⁽¹⁾ OJ 2006 L 365, p. 26.

⁽²⁾ Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ 1996 L 56, p. 1).

Action brought on 20 March 2007 — Gabel Industria Tessile v OHIM — Creaciones Garel (GABEL)

(Case T-85/07)

(2007/C 117/41)

*Language in which the application was lodged: Italian***Parties**

Applicant: Gabel Industria Tessile S.p.A. (Rovellasca, Italy) (represented by: A. Petruzzelli, Avvocato)

Defendant: Office for Harmonisation in the Internal Market (OHIM)

Other party to the proceedings before the Board of Appeal of OHIM: Creaciones Garel S.A.

Form of order sought

The applicant claims that the Court should:

- annul, in part, the decision of the Second Board of Appeal of 25 January 2007, notified on 29 January 2007, in so far as it refused registration of the Community trade mark applied for — Gabel — under No 3754777 in class 24, since it does not comply with Article 8(1)(b) of Regulation 40/94;
- uphold the decision of the Second Board of Appeal to proceed with registration of the mark for 'bath-robés' in class 25;
- order OHIM to register GABEL as Community trade mark No 3754777 in class 24, for the relevant goods specified in that class, as well as for 'bath-robés' in class 25;
- order OHIM to pay all the applicant's costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant.

Community trade mark concerned: Word mark 'GABEL' (application for registration No 3754777) for goods in classes 24 and 25.

Proprietor of the mark or sign cited in the opposition proceedings: Creaciones Garel S.A.

Mark or sign cited in opposition: Community figurative mark 'GAREL' for goods in classes 24, 25 and 26.