

**Action brought on 30 August 2007 — El Morabit v
Council of the European Union**

(Case T-323/07)

(2007/C 269/93)

Language of the case: Dutch

Parties

Applicant: Mohamed El Morabit (Amsterdam, Netherlands)
(represented by: U. Sarikaya, lawyer)

Defendant: Council of the European Union

Form of order sought

— Annul the Council's decision of 28 June 2007.

Pleas in law and main arguments

The applicant contests the decision ⁽¹⁾ whereby the Council decided that a decision had been taken with respect to the applicant by a competent authority within the meaning of Article 1(4) of the common position and that the applicant should continue to be subject to the specific restrictive measures provided for in Regulation (EC) No 2580/2001.

The applicant submits that, although he has been found guilty by a court of participating in a criminal organisation with terrorist aims, he has appealed against that judgment. The Council's decision is also premature and conflicts with Article 6 of the ECHR and Articles 47 and 48 of the Charter of Fundamental Rights of the European Union.

⁽¹⁾ 2007/445/EC: Council Decision of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC (OJ 2007 L 169, p. 58).

**Action brought on 3 September 2007 — Caisse Fédérale du
Crédit Mutuel Centre Est Europe v OHIM (SURFCARD)**

(Case T-325/07)

(2007/C 269/94)

Language in which the application was lodged: French

Parties

Applicant: Caisse Fédérale du Crédit Mutuel Centre Est Europe (Strasbourg, France) (represented by: P. Greffe and J. Schoumann, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Form of order sought

— Annulment of the decision of the First Board of Appeal of OHIM of 14 June 2007, Case R 1130/2006-1 refusing application for registration of Community trade mark 'SURFCARD', application No 3 837 564, for goods and services sought in classes 9, 36 and 38;

— Registration of Community trade mark 'SURFCARD' No 3 837 564 for all of the goods and services sought.

Pleas in law and main arguments

Community trade mark concerned: Word mark 'SURFCARD' for goods and services in classes 9, 36 and 38 (application No 3 837 564)

Decision of examiner: Application for registration partially refused

Decision of the Board of Appeal: Action dismissed

Pleas in law: Infringement of Article 7(1)(b) of Regulation No 40/94 of the Council ⁽¹⁾ in that, according to the applicant and contrary to observations in the contested decision, the expression 'SURFCARD' is arbitrary and distinctive in relation to the goods and services sought.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1)