Third, the applicant claims that the contested decision is tainted by errors of law and of appraisal in so far as the Commission held that the current arrangements for distribution of the *livret A* could not be justified under Article 86(2) EC. According to the applicant, the Commission made an error of law and several errors of appraisal in its definition of accessibility to banking services connected with the *livret A* as a service of general economic interest and in its analysis of whether the special right was necessary and proportionate in order to carry out the service of general economic interest of accessibility to banking services and of that relating to social housing.

According to its fourth plea in law, the applicant contends that the reasons given for the contested decision are contradictory and inadequate.

Action brought on 13 September 2007 — Duro Sweden v OHIM (EASYCOVER)

(Case T-346/07)

(2007/C 269/110)

Language of the case: English

Parties

Applicant: Duro Sweden AB (Gävle, Sweden) (represented by: R. Bird, Solicitor)

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

Form of order sought

— Annul the decision of the Fourth Board of Appeal dated 3 July 2007 in Case No R 1065/2005-4;

— order the defendant to pay the costs of this appeal, and

— order the grant of the application as a Community trade mark in accordance with the regulation.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'EASYCOVER' for goods in classes 19, 24 and 27 — application No 4 114 567

Decision of the examiner: Refusal of the application

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Article 7(1)(b) of Council Regulation No 40/94 as the Board of Appeal held that the trade mark application infringed Article 7(1)(b) on the basis that the trade mark application infringed Article 7(1)(c) without asserting any independent grounds for infringement of Article 7(1)(b)

Infringement of Article 7(1)(c) of the regulation as the Board of Appeal did not take all aspects of the trade mark applied for into account.

Action brought on 12 September 2007 — Al-Aqsa v Council of the European Union

(Case T-348/07)

(2007/C 269/111)

Language of the case: Dutch

Parties

Applicant: Stichting Al-Aqsa (Amsterdam, Netherlands) (represented by: J. Pauw, lawyer)

Defendant: Council of the European Union

Form of order sought

— Annul Council Decision 2007/445/EC in so far as it applies to the applicant, and declare that Regulation (EC) No 2580/2001 does not apply to the applicant;

— order the Council to pay the costs.

Pleas in law and main arguments

The applicant submits that Council Decision 2007/445/EC 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 is void in so far as it relates to it.

In support of its application, the applicant submits, first, that the Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism [1] does not apply to it.

Second, the applicant submits that no competent authority has taken a decision with respect to the applicant within the meaning of Article 1(4) of the Council Common Position of 27 December 2001.

Third, the applicant states that it has had no intention, culpability or knowledge with regard to the support of terrorist activities.