

**Judgment of the Court of First Instance of 9 July 2009 —
Melli Bank v Council**

(Joined Cases T-246/08 and T-332/08) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against the Islamic Republic of Iran to prevent nuclear proliferation — Freezing of funds — Actions for annulment — Judicial review — Proportionality — Equal treatment — Obligation to state reasons — Plea of illegality — Article 7(2)(d) of Regulation (EC) No 423/2007)

(2009/C 205/67)

Language of the case: English

Parties

Applicant: Melli Bank plc (London, United Kingdom) (represented initially by R. Gordon QC, J. Stratford and M. Hoskins, Barristers, R. Gwynne and T. Din, Solicitors, and subsequently by D. Anderson, QC, M. Hoskins, S. Gadhia, D. Murray and M. Din, Solicitors)

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

Interveners in support of the defendant: French Republic (represented by G. de Bergues, E. Belliard and L. Butel, Agents); United Kingdom of Great Britain and Northern Ireland (represented by V. Jackson, Agent, assisted by S. Lee, Barrister); and Commission of the European Communities (represented by S. Boelaert and P. Aalto, Agents)

Re:

Application in Joined Cases T-246/08 and T-332/08, for annulment of paragraph 4 of Table B of the Annex to Council Decision 2008/475/EC of 23 June 2008 implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran (OJ 2008 L 163, p. 29) in so far as it relates to Melli Bank plc, and, in Case T-332/08, if necessary, a declaration that Article 7(2)(d) of Council Regulation (EC) No 423/2007 of 19 April 2007 concerning restrictive measures against Iran (OJ 2007 L 103, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Melli Bank plc to pay, in addition to its own costs, those incurred by the Council of the European Union, including those incurred in the proceedings for interim measures;
3. Orders the United Kingdom of Great Britain and Northern Ireland, the French Republic and the Commission of the European Communities to bear their own costs, including those incurred in the proceedings for interim measures.

⁽¹⁾ OJ C 197, 2.8.2008.

**Judgment of the Court of First Instance of 9 July 2009 —
Biotronik v OHIM (BioMonitor)**

(Case T-257/08) ⁽¹⁾

(Community trade mark — Application for Community word mark BioMonitor — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009))

(2009/C 205/68)

Language of the case: German

Parties

Applicant: Biotronik GmbH & Co. KG (Berlin, Germany) (represented initially by U. Sander and R. Böhm, and subsequently by R. Böhm, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, Agent)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 24 April 2008 (Case R 466/2007-4) concerning an application for registration of the word sign BioMonitor as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Biotronik GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 223, 30.8.2008.

**Order of the Court of First Instance of 30 June 2009 —
Impala v Commission**

(Case T-464/04) ⁽¹⁾

(Competition — Concentration — Sony BMG joint venture — Action becoming devoid of purpose — No need to adjudicate)

(2009/C 205/69)

Language of the case: English

Parties

Applicant: Independent Music Publishers and Labels Association (Impala, international association) (Brussels, Belgium) (represented by: S. Crosby and J. Golding, Solicitors, and I. Wekstein-Steg, lawyer)

Defendant: Commission of the European Communities (represented by: X. Lewis and K. Mojzesowicz, Agents)