

*Defendant:* Council of the European Union (represented by: E. Finnegan, G. Van Hegelsom and B. Driessen, Agents)

*Interveners in support of the defendant:* Kingdom of the Netherlands (represented by: C. Wissels and M. De Mol, and, in Case T-37/07, M. de Grave and, in Case T-323/07, Y. de Vries and M. Noort, Agents); and Commission of the European Communities (represented: in Case T-37/07 by S. Boelaert and J. Aquilina, and in Case T-323/07 by P. van Nuffel and S. Boelaert, Agents)

#### Re:

Action for the annulment, in part, of, first, 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 and repealing Decisions 2006/379/EC and 2006/1008/EC (OJ 2007 L 169, p. 58) and, second, Council Decision 2006/1008/EC of 21 December 2006 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 (OJ 2006 L 379, p. 123), in so far as the name of the applicant appears on the lists of persons, groups and entities to which those provisions apply.

#### Operative part of the judgment

*The Court:*

1. Dismisses the actions;
2. Orders Mr Mohamed El Morabit to bear his own costs and pay those of the Council;
3. Orders the Commission of the European Communities and the Kingdom of the Netherlands to bear their own costs.

<sup>(1)</sup> OJ C 82, 14. 4. 2007.

**Judgment of the Court of First Instance of 14 September 2009 — Lange Uhren v OHIM (Geometric shapes on a watch-face)**

(Case T-152/07) <sup>(1)</sup>

**(Community trade mark — Application for a Community figurative mark — Geometric shapes on a watch-face — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009) — Lack of distinctive character acquired through use — Article 7(3) of Regulation No 40/94 (now Article 7(3) of Regulation No 207/2009)**

(2009/C 256/43)

*Language of the case: German*

#### Parties

*Applicant:* Lange Uhren GmbH (Glashütte, Germany) (represented by: M. Schaeffer, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Kicia, acting as Agent)

#### Re:

Action brought against the decision of the First Board of Appeal of OHIM of 15 February 2007 (Case R 1176/2005-1) concerning an application for registration as a Community trade mark of a figurative sign representing geometric shapes on a watch-face.

#### Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders Lange Uhren GmbH to pay the costs.

<sup>(1)</sup> OJ C 155, 7.7.2007.

**Judgment of the Court of First Instance of 3 September 2009 — Cheminova and Others v Commission**

(Case T-326/07) <sup>(1)</sup>

**(Plant-protection products — Active substance ‘malathion’ — Non-inclusion in Annex I to Directive 91/414/EEC — Action for annulment — Locus standi — Admissibility — Evaluation procedure — Assessment by EFSA — Plea of illegality — Article 20 of Regulation (EC) No 1490/2002 — Submission of new studies — Article 8(2) and (5) of Regulation (EC) No 451/2000 — Legitimate expectation — Proportionality — Equal treatment — Principle of sound administration — Rights of the defence — Principle of subsidiarity — Article 95(3) EC, Articles 4(1) and 5(1) of Directive 91/414)**

(2009/C 256/44)

*Language of the case: English*

#### Parties

*Applicants:* Cheminova A/S (Harboøre, Denmark); Cheminova Agro Italia Srl (Rome, Italy); Cheminova Bulgaria EOOD (Sofia, Bulgaria); Agrodan, SA, (Madrid Spain); and Lodi SAS (Grand-Fougeray, France) (represented by: C. Mereu and K. Van Maldegem, lawyers, and P. Sellar, Solicitor)

*Defendant:* Commission of the European Communities (represented by: B. Doherty and L. Parpala, acting as Agents)

#### Re:

Annulment of Commission Decision 2007/389/EC of 6 June 2007 concerning the non-inclusion of malathion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ 2007 L 146, p. 19)