

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law alleging a formal illegality of the contested decision by reason of a misuse of powers and of infringement of the principles of the presumption of innocence, of the legality of criminal offences and penalties, of *non bis in idem* and of the principle that both parties must be heard, as well as that of fair legal process.
2. Second plea in law alleging a substantive illegality of the contested decision by reason of an infringement of the right to property as well as of the principles of human dignity and equality, of an infringement of the freedoms of the TRABELSIs, of an interference with private life and of discrimination against a disabled child.

Action brought on 24 March 2011 — Yordanov v OHIM — Distribuidora comercial del frio (DISCO DESIGNER)

(Case T-189/11)

(2011/C 152/53)

Language in which the application was lodged: German

Parties

Applicant: Peter Yordanov (Rousse, Bulgaria) (represented by: T. Walter, lawyer)

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

Other party to the proceedings before the Board of Appeal: Distribuidora comercial del frio, SA (Madrid, Spain)

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 January 2011 in Case R 803/2010-2;
- Order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant.

Community trade mark concerned: Word mark 'DISCO DESIGNER' for goods in Classes 11, 19 and 20.

Proprietor of the mark or sign cited in the opposition proceedings: Distribuidora comercial del frio, SA.

Mark or sign cited in opposition: Figurative mark including the word element 'DISCO' for goods in Class 11.

Decision of the Opposition Division: To uphold the opposition.

Decision of the Board of Appeal: To dismiss the appeal.

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009,⁽¹⁾ since there is no likelihood of confusion between the marks in question and the Board of Appeal incorrectly held that the goods at issue were identical.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Action brought on 31 March 2011 — Seka Yapo and Others v Council

(Case T-192/11)

(2011/C 152/54)

Language of the case: French

Parties

Applicants: Anselme Seka Yapo (Abidjan, Côte d'Ivoire), Brouha Nathanaël Ahouma (Abidjan), Blé Brunot Dogbo (Abidjan), Gagbei Faussignaux Vagba (Abidjan), Georges Guiai Bi Poin (Abidjan), Affro (Abidjan), Kassaraté Tiapé (Abidjan) and Philippe Mangou (Abidjan) (represented by: J.-C. Tchikaya, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicants claim that the Court should:

- annul Council Decision 2011/18/CFSP of 14 January 2011 amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire and Council Regulation (EU) No 25/2011 of 14 January 2011 amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire, in so far as they concern the applicants;

- order the Council to pay the costs.

Pleas in law and main arguments

The pleas in law and principal arguments relied on by the applicants are in essence identical or similar to those relied upon in Case T-118/11 *Attey v Council*.