

2. Second plea in law, concerning the scope of the obligation to publish in the official languages of the European Union. The applicant submits that that obligation applies equally to the public consultations launched by the defendant and not only to the defendant's annual report, work programme and guidelines and recommendations.

⁽¹⁾ Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ 2010 L 331, p. 48).

Action brought on 17 January 2012 — 3M Pumps v OHIM — 3M (3M Pumps)

(Case T-25/12)

(2012/C 98/38)

Language in which the application was lodged: Italian

Parties

Applicant: 3M Pumps Srl (Taglio di Po, Italy) (represented by: F. Misuraca, lawyer)

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

Other party to the proceedings before the Board of Appeal: 3M Company (St. Paul, United States)

Form of order sought

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 October 2011 in Case R 2406/2010-1.

— Order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: 3M Pumps Srl

Community trade mark concerned: Figurative mark containing the word element '3M Pumps', for goods and services in Classes 7, 16 and 38

Proprietor of the mark or sign cited in the opposition proceedings: 3M Company

Mark or sign cited in opposition: Figurative mark containing the word element '3M', for goods and services in Classes 7, 16 and 38

Decision of the Opposition Division: Opposition upheld

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 8(1)(a) and (b) and (5) of Regulation No 207/2009.

Action brought on 1 February 2012 — Bateni v Council

(Case T-42/12)

(2012/C 98/39)

Language of the case: German

Parties

Applicant: Naser Bateni (Hamburg, Germany) (represented by: J. Kienzle and M. Schlingmann, lawyers)

Defendant: Council of the European Union

Form of order sought

— Annul Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran ⁽¹⁾ and Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Council Regulation (EU) No 961/2010 on restrictive measures against Iran; ⁽²⁾

— Order the Council to pay the costs, including those of the applicant.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging infringement of the applicant's rights of the defence

— The Council infringed the applicant's right to effective legal protection and in particular the duty to state reasons, by failing to provide an adequate justification for including the applicant in the annex to the contested decision and the contested regulation;

— The Council failed, although called upon expressly by the applicant to do so, to indicate reasons or factors and to supply relevant proof which would justify his inclusion in the annex to the contested decision and the contested regulation;

— The Council infringed the applicant's right to a hearing by not providing it with the opportunity, conferred by Article 23(3) and 23(4) of the contested decision and Article 36(3) and (4) of the contested regulation, to present observations on its inclusion in the sanctions list and thus to cause the Council to carry out a review.