2. Second plea in law, alleging that there was no basis for including the applicant in the sanctions lists

— The reasons given for including the applicant in the sanctions lists did not make it possible to identify the precise legal basis on which the Council acted;

— An activity carried out by the applicant until only March 2008 cannot justify his inclusion in the sanctions lists in December 2011;

— The applicant's activity as manager of the Hanseatic Trade Trust & Shipping (HTTS) GmbH does not justify his inclusion in the lists of sanctions, in particular because the General Court of the European Union annulled Regulation (EU) No 961/2010 ([3]) to the extent that it concerned HTTS GmbH;

— The mere fact that the applicant was manager of an English company which has since been dissolved cannot constitute a reason under Article 20(1) of Decision 2010/413/CFSP ([4]) and/or Article 16(2) of Regulation No 961/2010 for including the applicant in the sanctions lists.

3. Third plea in law, alleging infringement of the applicant's fundamental right to property

— The applicant's inclusion in the sanctions lists constitutes an unjustified interference with his fundamental right to property, since the applicant — because of the inadequate reasons given by the Council — is unable to understand the reasons why he was included in the list of persons affected by the sanctions;

— The applicant's inclusion in the sanctions lists is obviously inappropriate for the pursuit of the goals of Decision 2010/413/CFSP and Regulation No 961/2010 and also constitutes a disproportionate interference with his property rights.

([1]) Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2011 L 319, p. 71).

([2]) Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran (OJ 2011 L 319, p. 11).

([3]) Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 (OJ 2010 L 281, p. 1).

([4]) Council Decision 2010/413/CFSP of 26 July 2010 on restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39).

Action brought on 27 January 2012 — United Kingdom v ECB

(Case T-45/12)

(2012/C 98/40)

Language of the case: English

Parties

Applicant: United Kingdom of Great Britain and Northern Ireland (represented by: K. Beal, Barrister and E. Jenkinson, agent)

Defendant: European Central Bank

Form of order sought

— Annul the European Central Bank's Statement of Standards published on 18 November 2011, in so far as it sets out a location policy for central counterparty clearing systems ('CCPs'); and

— Order that the defendant pay the costs of these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant lacked competence to publish the contested act, either at all or alternatively without recourse to the promulgation of a legislative instrument such as a Regulation, adopted either by the Council or alternatively by the European Central Bank ('ECB') itself.

2. Second plea in law, alleging that the contested act either *de jure* or *de facto* will impose a residence requirement on central counterparty clearing systems ('CCPs') that wish to undertake clearing or settlement operations in the Euro currency whose daily trades exceed a certain volume. The contested act infringes all or any of Articles 48, 56 and/or 63 TFEU, in that:

— CCPs established in non-Euro area Member States, such as the United Kingdom, will be obliged to relocate their centres of administration and control to Member States which are members of the Eurosystem. They will also be obliged to re-incorporate as legal persons recognised in the domestic law of another Member State;

— in the event that such CCPs do not relocate as required, they will be precluded from access to the financial markets in the Eurosystem Member States, either on the same terms as CCPs established in those territories, or at all;

— such non-resident CCPs will not be entitled to facilities offered by the ECB or the National Central Banks ('NCBs') of the Eurosystem, either on the same terms, or at all; and

— as a result, the ability of such CCPs to offer clearing or settlement services in the Euro currency to customers in the Union will be restricted or even prohibited in its entirety.

3. Third plea in law, alleging that the contested act infringes Articles 101 and/or 102 TFEU, read in conjunction with Article 106 TFEU and Article 13 TEU, since:

— it effectively requires all clearing operations proceeding in the Euro currency exceeding a certain level to be conducted by CCPs established in a Euro area Member State;

— it effectively directs Euro area NCBs not to supply Euro currency reserves to CCPs established in non-Euro area Member States if they exceed the thresholds set in the decision.

4. Fourth plea in law, alleging that the requirement for CCPs established in non-Euro area Member States to adopt a different corporate personality and domicile amounts to direct or indirect discrimination on grounds of nationality. It also offends the general EU principle of equality, since CCPs established in different Member States are subject to disparate treatment without any objective justification for the same.

5. Fifth plea in law, alleging that the contested act infringes all or any of Articles II, XI, XVI and XVII of the General Agreement on Trade and Services (GATS).

6. Sixth plea in law, alleging that without assuming the burden of establishing that a public interest justification for such restrictions is not available (the onus being on the ECB to advance its case for a derogation if it so chooses), the United Kingdom contends that any public policy justification advanced by the ECB would not satisfy the requirement of proportionality, since less restrictive means of ensuring control over financial institutions resident within the Union but outside the Euro area are available.

Action brought on 1 February 2012 — Chrysamed Vertrieb v OHIM — Chrysal International (Chrysamed)

(Case T-46/12)

(2012/C 98/41)

Language in which the application was lodged: German

Parties

Applicant: Chrysamed Vertrieb GmbH (Salzburg, Austria) (represented by: T. Schneider, lawyer)

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

Other party to the proceedings before the Board of Appeal: Chrysal International B.V. (Naarden, Netherlands)

Form of order sought

The applicant claims that the Court should:

— uphold the action, annul the decision of the Board of Appeal of 22 November 2011 in Case R 0064/2011-1 and reject the opposition against the application for the Community trade mark;

— order OHIM or the potential intervener to pay the costs pursuant to Article 87(2) of the Rules of Procedure of the General Court.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the word mark 'Chrysamed' for goods in Class 5 (application No 6 387 071)

Proprietor of the mark or sign cited in the opposition proceedings: Chrysal International B.V.

Mark or sign cited in opposition: the international word mark 'CHRYSAL' for goods in Classes 1, 5 and 31 (trade mark No 645 337), the international word mark 'CHRYSAL' for goods in Class 1 (trade mark No 144 634) and the international figurative mark 'CHRYSAL' for goods in Classes 1, 3, 5 and 31 (trade mark No 877 785)

Decision of the Opposition Division: the opposition was upheld

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 207/2009 as there is no likelihood of confusion between the marks at issue