

— Order OHIM to pay the costs of the proceedings, including the costs incurred in the appeal proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: Yves Geipel

Community trade mark concerned: Figurative mark 'BEST BODY NUTRITION' (international registration No W 982 101, naming the European Union) for goods in classes 25, 28, 29, 30 and 32.

Proprietor of the mark or sign cited in the opposition proceedings: Jörg Reeh.

Mark or sign cited in opposition: Community trade mark No 4 020 161 'BEST4BODY' for goods in class 25.

Decision of the Opposition Division: Opposition allowed.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: There is no likelihood of confusion between the marks at issue.

Action brought on 11 April 2012 — Ternavsky v Council

(Case T-163/12)

(2012/C 157/19)

Language of the case: French

Parties

Applicant: Anatoly Ternavsky (Moscow, Russia) (represented by: C. Rapin and E. Van den Haute, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— declare the present action admissible;

— annul point 2 of Annex II to Council Implementing Decision 2012/171/CFSP of 23 March 2012 implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus, and point 2 of Annex II to Council Implementing Regulation (EU) No 265/2012 of 23 March 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus;

— order the Council to pay the costs in their entirety;

— order the Council to pay the costs under Article 87(6) in conjunction with Article 90(a) of the Rules of Procedure of the General Court if the Court decides that there is no need to adjudicate.

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 a manifestly incorrect establishment of the facts as regards the reasons which resulted in the inclusion of the applicant's name in the list of persons subject to sanctions, mentioned by the Council's acts.
 2. Second plea in law, alleging that there is an insufficient statement of reasons for the contested acts inasmuch as the reasons stated are of no help in understanding the necessity for that inclusion.
 3. Third plea in law, alleging infringement of Decision 2010/639/CFSP and of Regulation (EC) No 765/2006, as amended, and of the principle of the prohibition of discrimination, first, in so far as the scope of those acts was extended to a businessman without establishing the conduct in support of the regime of President Lukashenko which may be attributed to him and, secondly, in so far as other businessmen, whom the Council also regards as close to the Belarusian authorities, have not, unlike the applicant, been included in the European sanctions lists.
-