

2. Second plea in law, alleging a distortion of the facts and evidence (paragraphs 33 to 37 of the judgment under appeal), since, on the basis of the case-file, the CST had no ground to find, in paragraph 35 of the judgment under appeal that ‘the Appointing Authority took no account of the certification of officials in the comparative examination of their merits before drawing up the list of officials in grade AST 8 promoted to grade AST 9 in the 2010 promotion procedure’.

Action brought on 12 April 2012 — Peri v OHIM (Shape of a turnbuckle)

(Case T-171/12)

(2012/C 184/32)

Language of the case: German

Parties

Applicant: Peri GmbH (Weißenhorn, Germany) (represented by J. Dönch, lawyer)

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

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 26 January 2012 in Case R 1209/2011-1;

— order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Three-dimensional mark in the shape of a turnbuckle, for goods in Classes 6 and 19 — application No 9 462 078

Decision of the Examiner: Registration refused

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 7(1)(b) and (e)(i) and (ii) of Regulation No 207/2009

Action brought on 17 April 2012 — Syrian Lebanese Commercial Bank v Council

(Case T-174/12)

(2012/C 184/33)

Language of the case: French

Parties

Applicant: Syrian Lebanese Commercial Bank S.A. L. (Beirut, Lebanon) (represented by: P. Vanderveeren, L. Defalque and T. Bontinck, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Article 1 of Council Implementing Regulation No 55/2012 of 23 January 2012 and point 27 of the annex to that regulation in so far as the applicant has been added to Annex II to Council Regulation 36/2012 of 18 January 2012;

— annul Article 1 of Implementing Decision 2012/37/CFSP and point 27 of the annex to that decision in so far as the applicant has been added to Annex II to Decision 2011/273;

— annul, in so far as necessary; the Council's decision (in the form of a letter) of 24 January 2012;

— order the Council to pay the costs.

Pleas in law and main arguments

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

1. By its first plea in law, the applicant alleges a manifest error of assessment of its involvement in the financing of the Syrian Regime, since the Council failed to prove the applicant's involvement in the financing of that regime, either prior to or since adopting the contested measures.

2. By its second plea in law it alleges an infringement of the rights of the defence, of the right to a fair hearing and to effective judicial protection as a result of the failure to organise a hearing when adopting the contested measures, and by the Council's implicit refusal to furnish evidence justifying the nature and severity of the sanction.