— Order the continuation of the Contested Regulation in force until the Council has adopted the measures necessary to comply with the Court's judgment in compliance with Article 264 of the Treaty on the functioning of the European Union;

— Order the defendant and any interveners to pay the applicants legal costs and expenses of the procedure.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant made a manifest error of assessment by changing the methodology applied to establish analogue country normal value without sufficient justification to support changed circumstances and, in doing so, infringed Article 11(9) of the Basic Anti-Dumping Regulation.

2. Second plea in law, alleging that the defendant made a manifest error of assessment by disregarding actual domestic sales prices in the analogue country and wrongly resorting to constructed values in breach of Articles 2(1), 2(2), 2(7)(a) and 2(7)(b) of the Basic Anti-Dumping Regulation.

3. Third plea in law, alleging that the defendant made a manifest error of assessment in using the US and Western European prices for benzene in place of the actual raw material costs in the country of production in breach of Article 2(3) of the Basic Anti-Dumping Regulation and so arrived at a flawed value for the normal value applied in the review.

4. Fourth plea in law, alleging that the defendant made manifest errors of assessment caused by distorting the costs of production in the constructed normal value that was reached and by using costs for raw materials that were not equivalent in breach of Article 2(3) of the Basic Anti-Dumping Regulation.

5. Fifth plea in law, alleging that the defendant and the European Commission infringed the applicants' rights of defence by failing to provide access to the information necessary to properly understand the methodology applied towards the establishment of the normal value and also failed to provide adequate motivations for key issues relating to the calculation of the analogue country normal value and the corresponding dumping margins applied thereby vitiating the Contested Regulation.

([1]) Council Implementing Regulation (EU) No 626/2012 of 26 June 2012 amending Council Implementing Regulation (EU) 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China (OJ 2012 L182, p. 1).

([2]) Council Regulation (EC) No 1225/2009 on Protection Against Dumped Imports from Countries not Members of the European Community (OJ 2009 L343, p. 51), as amended.

Action brought on 26 September 2012 — VTZ and Others v Council

(Case T-432/12)

(2012/C 366/77)

Language of the case: English

Parties

Applicants: Volžskij trubnyi zavod OAO (VTZ OAO) (Volzhsky, Russia); Taganrogskij metallurgičeskij zavod OAO (Tagmet OAO) (Taganrog, Russia); Sinarskij trubnyj zavod OAO (SinTZ OAO) (Kamensk-Uralsky, Russia); and Severskij trubnyj zavod OAO (STZ OAO) (Polevskoy, Russia) (represented by: J.-F. Bellis, F. Di Gianni, G. Coppo and C. Van Hemelrijck, lawyers)

Defendant: Council of the European Union

Form of order sought

— Annul, as far as the applicants are concerned, Council Implementing Regulation (EU) No 585/2012 of 26 June 2012 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009, and terminating the expiry review proceeding concerning imports of certain seamless pipes and tubes, of iron or steel, originating in Croatia (OJ 2012 L 174, p. 5); and

— Order the defendant to bear the costs of these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that by cumulating imports from Russia with imports from Ukraine, the Council manifestly erred in the appraisal of the facts, violated Article 3(4) of the Council Regulation (EC) No 1225/2009 ([1]) (the 'Basic Regulation') and infringed the principle of equal treatment.

2. Second plea in law, alleging that by concluding that the repeal of the measures is likely to lead to injury recurring the Council infringed the principle of equal treatment and manifestly erred in the appraisal of facts and, therefore, infringed Article 11(2) of the Basic Regulation.

3. Third plea in law, alleging that the Council infringed Articles 9(4) and 21 of the Basic Regulation and the principle of equal treatment by committing a manifest error of assessment as concerns the analysis of the Union interest.

4. Fourth plea in law, alleging that the Council infringed the principle of sound administration and the applicants' rights of defence by failing to examine the arguments raised by the applicants during the investigation and to provide the applicants with the disclosure of essential facts and considerations concerning the case, the duty to state reasons and the principle of sound administration and the rights of defence of the applicants by providing the Member States with information on the case prior to receiving any comments from the applicants and by consulting the Anti-Dumping Advisory Committee before the applicants had been heard.

(1) Council Regulation (EC) No 1225/2009 on Protection Against Dumped Imports from Countries not Members of the European Community (OJ 2009 L343, p. 51), as amended.

Action brought on 28 September 2012 — Steiff v OHIM (Metal button in the middle section of the ear of a soft toy)

(Case T-433/12)

(2012/C 366/78)

Language of the case: German

Parties

Applicant: Margarete Steiff GmbH (Giengen an der Brenz, Germany) (represented by D. Fissl, lawyer)

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

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 23 July 2012 in Case R 1693/2011-1;

— Annul OHIM's rejection of Community trade mark application No 9 439 613;

— Order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the positional mark with which protection is claimed for a gleaming or matt, round metal button fastened to the middle section of the ear of a soft toy for goods in Class 28 — Community trade mark application No 9 439 613

Decision of the Examiner: the application was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: infringement of Article 7(1)(b) of Regulation No 207/2009

Action brought on 28 September 2012 — Steiff v OHIM (Fabric tag with metal button in the middle section of the ear of a soft toy)

(Case T-434/12)

(2012/C 366/79)

Language of the case: German

Parties

Applicant: Margarete Steiff GmbH (Giengen an der Brenz, Germany) (represented by D. Fissl, lawyer)

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

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 July 2012 in Case No R 1692/2011-1;

— Annul OHIM's rejection of Community trade mark application No 9 439 654;

— Order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the positional mark with which protection is claimed for a rectangular, elongated fabric tag fastened to the middle section of the ear of a soft toy by means of a gleaming or matt, round metal button for goods in Class 28 — Community trade mark application No 9 439 654

Decision of the Examiner: the application was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: infringement of Article 7(1)(b) of Regulation No 207/2009

Action brought on 5 October 2012 — Changmao Biochemical Engineering v Council

(Case T-442/12)

(2012/C 366/80)

Language of the case: English

Parties

Applicant: Changmao Biochemical Engineering Co. Ltd (Changzhou, China) (represented by: E. Vermulst and S. Van Cutsem, lawyers)