

Action brought on 9 January 2013 — Iran Liquefied Natural Gas v Council

(Case T-5/13)

(2013/C 55/42)

Language of the case: English

Parties

Applicant: Iran Liquefied Natural Gas Co. (Tehran, Iran) (represented by: J. Grayston, Solicitor, G. Pandey, P. Gjørtler, D. Rovetta, D. Sellers and N. Pilkington, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— Annul Council Decision 2012/635/CFSP of 15 October 2012⁽¹⁾ and Council Implementing Regulation (EU) No 945/2012 of 15 October 2012⁽²⁾, in so far as the contested acts include the applicant in the list of persons and entities made subject to the restrictive measures;

— Order the defendant to bear the costs of the present 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 violation of the right of hearing, as the Council failed to perform a hearing of the applicant, and that no contrary indications would justify this, especially in relation to the imposition on current contractual engagements.
2. Second plea in law, alleging violation of the obligation to give notice, as the Council failed to notify the contested measures to the applicant.
3. Third plea in law, alleging insufficient statement of grounds, as the limited scope of the statement of reasons has been confirmed by the Council to the applicant, while requests for access to documents were not replied to.
4. Fourth plea in law, alleging violation of the right of defence, as the applicant was denied the possibility of effectively arguing against the findings of the Council, as these findings were withheld from the applicant.
5. Fifth plea in law, alleging manifest error of assessment, as contrary to the claim of the Council, the applicant is not a subsidiary of the National Iranian Oil Company, and in any case the Council has not substantiated that even if it were a

subsidiary of the latter, this would entail an economic benefit for the Iranian State that would be contrary to the aim of the contested measures.

6. Sixth plea in law, alleging breach of the fundamental right to property, as by imposing on the bank holdings and current contractual engagements of the applicant the Council has violated the basic right of property by taking measures for which the proportionality cannot be ascertained.

⁽¹⁾ Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 282, p. 58)

⁽²⁾ Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2012 L 282, p. 16)

Action brought on 9 January 2013 — Tegometall International v OHIM — Irega (MEGO)

(Case T-11/13)

(2013/C 55/43)

Language in which the application was lodged: German

Parties

Applicant: Tegometall International AG (Lengwil, Switzerland) (represented by: H. Timmann and E. Schaper, lawyers)

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

Other party to the proceedings before the Board of Appeal: Irega AG (Zuchwil, Switzerland)

Form of order sought

The applicant claims that the Court should:

- alter the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 25 October 2012 in Case R 1522/2011-1 and declare Community trade mark No 3 786 134 'MEGO' invalid; in the alternative, annul that decision and refer the case back to the Board of Appeal for reassessment;
- order the intervener and OHIM to pay the costs of the invalidity proceedings, the appeal proceedings and the present action.