

- Annul paragraph I.I.10 of the Annex to Council Implementing Regulation (EU) No 1264/2012 of 21 December 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2012 L 356, p. 55) in so far as the applicant is concerned;
- Order the defendant to pay, in addition to its own costs, those incurred by the applicant.

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 that the applicant does not assist designated entities to violate the provisions of EU regulation on Iran and does not provide financial support to the government of Iran. It is neither being used to channel Iranian oil-related payment. Accordingly, the substantive criteria for designation under the challenged Annexes of the Decision 2012/829/CFSP of 21 December 2012 and Council Implementing Regulation (EU) No 1264/2012 of 21 December 2012 are not met in respect of the applicant and/or the Council committed a manifest error of assessment in determining whether or not those criteria were met. The Council also failed to apply the correct test.
2. Second plea in law, alleging the Council breaches the procedural requirements to give the adequate reasons in the Annexes of Decision 2012/829/CFSP and the Council Implementing Regulation (EU) No 1264/2012 and to respect the rights of defense and the right to effective judicial protection.
3. Third plea in law, alleging that the designation of the applicant violates the principle of proportionality.

Action brought on 21 March 2013 — Novomatic v OHIM — Simba Toys (AFRICAN SIMBA)

(Case T-172/13)

(2013/C 141/45)

Language in which the application was lodged: German

Parties

Applicant: Novomatic AG (Gumpoldskirchen, Austria) (represented by: W. Mosing, lawyer)

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

Other party to the proceedings before the Board of Appeal: Simba Toys GmbH & Co. KG (Fürth-Stadeln, Germany)

Form of order sought

The applicant claims that the General Court should:

- annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 January 2013 in Case 157/2012-4 and dismiss the opposition in its entirety as a result of a lack of similarity between the goods and/or signs and grant registration of the Community trade mark 'AFRICAN SIMBA' (application No 7 5 4175) in the form applied for;
- order OHIM and — in the case of written intervention — the opponent to bear their own costs and those incurred by the applicant in the proceedings before OHIM and in these proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: Word mark 'ARFICAN SIMBA' for goods and services in Classes 9, 28 and 41 — Community trade mark application No 7 534 175

Proprietor of the mark or sign cited in the opposition proceedings: Simba Toys GmbH & Co. KG

Mark or sign cited in opposition: National figurative mark containing the word element 'Simba', and international word mark 'SIMBA' for goods in Class 28

Decision of the Opposition Division: Opposition upheld in part

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 42(2) in conjunction with Article 42(3) of Regulation No 207/2009 in conjunction with Rule 22(2) of Regulation No 2868/95 and Article 8(1)(b) of Regulation No 207/2009

Action brought on 20 March 2013 — Selo Medical v OHIM — biosyn Arzneimittel (SELOGYN)

(Case T-173/13)

(2013/C 141/46)

Language in which the application was lodged: German

Parties

Applicant: Selo Medical GmbH (Unternberg, Austria) (represented by: T. Schneider, lawyer)

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