

- The Council violated the principle of proportionality. The sanctions target nuclear proliferation activities of Iran. The Council has not established and cannot establish that the Applicant has directly or indirectly provided support for nuclear proliferation in Iran. It even no longer alleges that it is contributing specifically to nuclear proliferation in Iran. Given the lack of impact of the sanctions on nuclear proliferation, the objective of the sanctions does not justify the annulment of the benefits accruing to the Applicant from the Court's judgment and the stress they impose on the overall system of judicial protection in the EU, let alone the violation of the Applicant's right of property and of commerce. This conclusion is reinforced by the adoption on 20 January 2014 of the Council's regulation lifting certain sanctions based on the acknowledgment that Iran is actually not engaging in nuclear proliferation activities.

<sup>(1)</sup> Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39)

<sup>(2)</sup> Council Decision 2012/35/CFSP of 23 January 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 19, p. 22)

<sup>(3)</sup> Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1)

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**Action brought on 30 January 2014 — Swatch v OHIM — Panavision Europe (SWATCHBALL)**

**(Case T-71/14)**

(2014/C 129/36)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Swatch AG (Biel, Switzerland) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Panavision Europe Ltd (Greenford, United Kingdom)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 November 2013 given in Case R 470/2012-2.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The other party to the proceedings before the Board of Appeal

*Community trade mark concerned:* The word mark 'SWATCHBALL' for goods and services in Classes 9, 35, 41 and 42 — Community trade mark application No 6 543 524

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited in opposition:* International Registrations and Community trade mark registrations of the figurative mark containing the verbal element 'swatch' and the word mark 'SWATCH'

*Decision of the Opposition Division:* Rejected the opposition

*Decision of the Board of Appeal:* Dismissed the appeal

*Pleas in law:* Infringement of Articles 8(1)(b) and 8(5) CTMR.

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