

**Re:**

Application seeking a declaration, in accordance with Article 265 TFEU, that the Commission unlawfully failed to revoke Commission Regulation (EC) No 1629/2005 of 5 October 2005 amending for the 54th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 (OJ 2005 L 260, p. 9), in so far as that act concerns the applicant

**Operative part of the judgment**

*The Court:*

1. Declares that the European Commission has failed to fulfil its obligations under the FEU Treaty and under Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001, by not remedying the procedural deficiencies and substantive irregularities affecting the freezing of the funds of Mr Hani El Sayyed Elsebai Yusef.
2. Dismisses the action as to the remainder.
3. Orders the Commission to pay, apart from its own costs, the costs incurred by Mr Yusef and the sums advanced by way of legal aid by the cashier of the Court.
4. Orders the Council of the European Union to bear its own costs.

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<sup>(1)</sup> OJ C 260, 25.9.2010.

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**Judgment of the General Court of 25 March 2014 — Deutsche Bank v OHIM (Leistung aus Leidenschaft)**

(Case T-539/11) <sup>(1)</sup>

**(Community trade mark — Application for Community word mark Leistung aus Leidenschaft — Trade mark consisting of an advertising slogan — Absolute grounds for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Equal treatment — Obligation to state reasons — Evidence presented for the first time before the General Court)**

(2014/C 142/40)

Language of the case: German

**Parties**

*Applicant:* Deutsche Bank AG (Frankfurt on Main) (represented by: R. Lange, T. Götting and G. Hild, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 August 2011 (Case R 188/2011-4) concerning an application for registration of word sign Leistung aus Leidenschaft as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Deutsche Bank AG to pay the costs.

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<sup>(1)</sup> OJ C 13, 14.1.2012.