

Judgment of the General Court of 9 December 2014 — Peftiev v Council(Case T-441/11) ⁽¹⁾**(Common foreign and security policy — Restrictive measures adopted against Belarus — Freezing of funds — Obligation to state reasons — Rights of the defence — Right to be heard — Error of assessment)**

(2015/C 034/34)

Language of the case: English

Parties

Applicant: Vladimir Peftiev (Minsk, Belarus) (represented by: V. Vaitkutė Pavan, A. Smaliukas, E. Matulionyte, T. Milašauskas, lawyers, and M. Shenk, Solicitor)

Defendant: Council of the European Union (represented by: M. Bishop and F. Naert, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: T. Scharf and E. Paasivirta, acting as Agents)

Re:

Application for annulment of Council Decision 2011/357/CFSP of 20 June 2011 amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus (OJ 2011 L 161, p. 25), Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2011 L 161, p. 1), Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus (OJ 2011 L 265, p. 17), Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2011 L 265, p. 8), Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1), Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 7), Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642 (OJ 2013 L 288, p. 69), and Council Implementing Regulation (EU) No 1054/2013 of 29 October 2013 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2013 L 288, p. 1), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

- 1) Annuls Council Decision 2011/357/CFSP of 20 June 2011, amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus, Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus, Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus, and Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, in so far as those acts concern Mr Vladimir Peftiev;
- 2) Dismisses the action as being inadmissible in so far as it concerns Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642 and Council Implementing Regulation (EU) No 1054/2013 of 29 October 2013 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus;

- 3) Orders the Council of the European Union to bear its own costs and to pay those incurred by Mr Peftiiev;
- 4) Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 290, 1.10.2011.

Judgment of the General Court of 10 December 2014 — Novartis v OHIM — Dr Organic (BIOCERT)

(Case T-605/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark BIOCERT — Earlier national word mark BIOCEF — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 034/35)

Language of the case: English

Parties

Applicant: Novartis AG (Basel, Switzerland) (represented by: M. Douglas, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Dr Organic Ltd (Swansea, United Kingdom)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 28 September 2011 (Case R 1030/2010-4), concerning opposition proceedings between Novartis AG and Dr Organic Ltd.

Operative part of the judgment

The Court:

- 1) Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 28 September 2011 (Case R 1030/2010-4).
- 2) Orders OHIM to pay the costs.

⁽¹⁾ OJ C 32, 4.2.2012.

Judgment of the General Court of 9 December 2014 — Inter-Union Technohandel v OHIM — Gumersport Mediterranea de Distribuciones (PROFLEX)

(Case T-278/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark PROFLEX — Earlier national word mark PROFEX — Genuine use of the earlier mark — Article 42(2) and (3) of Regulation (EC) No 207/2009)

(2015/C 034/36)

Language of the case: English

Parties

Applicant: Inter-Union Technohandel GmbH (Landau in der Pfalz, Germany) (represented by: K. Schmidt-Hern and A. Feutlinske, lawyers)