

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

*Other party to the proceedings before the Board of Appeal:* STD Tekstil Limited Sirketi (Istanbul, Turkey)

### **Details of the proceedings before OHIM**

*Applicant:* Applicant

*Trade mark at issue:* Community figurative mark containing the word element 'MOTORTOWN' — Application for registration No 10 351 931

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the Second Board of Appeal of OHIM of 8 September 2014 in Case R 1960/2013-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision, in which the Board of Appeal dismissed the applicant's appeal and affirmed the decision of the Opposition Division partially upholding Opposition No B 1 951 774 and rejecting in part Community figurative mark application No 10 351 931 'MOTORTOWN'; and
- order the party or parties opposing the action to pay the costs.

### **Plea in law**

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

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### **Action brought on 4 December 2014 — Hassan v Council**

**(Case T-790/14)**

(2015/C 034/50)

*Language of the case: French*

### **Parties**

*Applicant:* Samir Hassan (Damascus, Syria) (represented by: L. Pettiti, lawyer)

*Defendant:* Council of the European Union

### **Form of order sought**

The applicant claims that the Court should:

- annul, on the basis of Article 263 of the Treaty on the Functioning of the European Union (TFEU):
  - Council Implementing Decision 2014/678/CFSP of 26 September 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, insofar as it adds Mr Samir Hassan to the list included in the annex to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria;
  - Council Implementing Regulation (EU) No 1013/2014 of 26 September 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, insofar as it adds Mr Samir Hasan to the list included in Annex II to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria;
- declare that the effects of the effects of the acts annulled will be definitive;

- Compensate Mr Hassan, on the basis of Articles 268 and 340 TFEU, for the loss caused to him by the adoption against him of the restrictive measures referred to above, as follows:
  - hold that the Council of the European Union is non-contractually liable for the pecuniary harm suffered and which will be suffered in the future and for the non-pecuniary harm;
  - award Mr Hassan the sum of EUR 250000 per month, with effect from 1 September 2011, in order to compensate him for the pecuniary loss suffered;
  - award Mr Hassan the symbolic sum of EUR 1 in respect of the non-pecuniary loss suffered,
  - and order the Council of the European Union to pay compensation for future non-pecuniary loss;
- In any event, order the Council of the European Union to pay all the costs.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging a manifest error by the Council in its assessment of the facts and an error in law resulting therefrom, since the Council included the applicant's name on the list of persons and entities to which restrictive measures apply on the basis of grounds which are not substantiated to the requisite legal standard.
2. Second plea in law, alleging infringement of the right to property and the principle of proportionality.
3. Third plea in law, alleging infringement of the presumption of the applicant's innocence.
4. Fourth plea in law concerning the compensation for the damage that the applicant suffered as a result of the unlawful measures taken against him by the Council.

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### **Action brought on 4 December 2014 — Bensarsa v European Commission and EDPS**

**(Case T-791/14)**

(2015/C 034/51)

*Language of the case: French*

### **Parties**

*Applicant:* Faouzi Bensarsa (Abu Dhabi, United Arab Emirates) (represented by: S.A. Pappas, lawyer)

*Defendants:* European Commission and European Data Protection Supervisor (EDPS)

### **Form of order sought**

- Annul the decision of 25 February 2014 adopted by the Security Directorate;
- Annul the decision of 24 October 2014 impliedly adopted by the EDPS;
- Order the defendants to pay the costs.

### **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 a failure to state reasons for the Commission's decision of 25 February 2014.
2. Second plea in law, alleging a failure to state reasons for the decision of the EDPS, since it was implied and its reasons could not be deduced either from its context or the decision of 25 February 2014.