

3. Third plea in law, in the further alternative, alleging infringement of the second and third indents of Article 4(2) of Regulation (EC) No 1049/2001. The applicant contends that the Commission could have refused access to the documents sent by the French authorities in accordance with the procedure provided in Directive 98/34/EC<sup>(2)</sup>, in so far as that procedure would constitute an investigation within the meaning of the article cited above.

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<sup>(1)</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

<sup>(2)</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 204, p. 37).

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**Action brought on 18 June 2015 — Uganda Commercial Impex v Council**

**(Case T-347/15)**

(2015/C 270/50)

*Language of the case: English*

**Parties**

*Applicant:* Uganda Commercial Impex (UCI) Ltd (Kampala, Uganda) (represented by: A. Meskarian, S. Zaiwalla, P. Reddy, K. Mittal, Solicitors, and R. Blakeley, Barrister)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2015/620<sup>(1)</sup> and Council Implementing Regulation (EU) No 2015/614<sup>(2)</sup> insofar as they apply to UCI (including the entry of UCI in entry b) 9 of the Annex to the Decision and the Regulation);
- insofar as necessary to declare Article 9(1) of Council Regulation (EC) No 1183/2005 of 18 July 2005 (as amended) inapplicable to UCI; and
- order the Council to pay UCI's costs of this application.

**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 that the Council has failed to undertake any or any adequate independent assessment of UCI's designation, as it was required to do.
2. Second plea in law, alleging that in any event, the Council committed a manifest error of assessment and/or UCI's designation is unlawful because the criteria for designation are not met in UCI's case.
3. Third plea in law, alleging that UCI's procedural rights, in particular its rights of defence and rights to effective judicial protection have been violated, and the Council has failed to give adequate reasons.

4. Fourth plea in law, alleging that UCI's designation is any event in breach of its fundamental rights and the principle of proportionality.

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<sup>(1)</sup> Council Decision (CFSP) 2015/620 of 20 April 2015 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ L 102, 21.4.2015, p. 43).

<sup>(2)</sup> Council Implementing Regulation (EU) 2015/614 of 20 April 2015 implementing Article 9(4) of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ L 102, 21.4.2015, p. 10).

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**Action brought on 30 June 2015 — Perry Ellis International Group v OHIM — CG (P)**

**(Case T-350/15)**

(2015/C 270/51)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Perry Ellis International Group Holdings Limited (Nassau, Bahamas) (represented by: O. Günzel and V. Ahmann, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* CG verwaltungsgesellschaft mbH (Gevelsberg, Germany)

**Details of the proceedings before OHIM**

*Applicant:* Applicant

*Trade mark at issue:* Community figurative mark in black and white containing the word element 'P' — Application for registration No 10 889 723

*Procedure before OHIM:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of OHIM of 28 April 2015 in Case R 2441/2014-4

**Form of order sought**

The applicant claims that the Court should:

— annul the contested decision;

— award the costs of the proceedings against the defendant and the other party to the proceedings before the Board of Appeal of OHIM.

**Plea in law**

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

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