

Pleas in law and main arguments

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

1. First plea in law, being a plea of illegality under Article 277 TFUE, seeking a declaration of inapplicability of Council Decision 2013/497/CFSP of 10 October 2013 amending Decision 2010/413/CFSP and Council Regulation (EU) No 971/2013 of 10 October 2013 amending Regulation (EU) No 267/2012 (OJ L 272, p. 1) concerning restrictive measures against Iran.

The applicants bring forward that the criteria adopted by the said Decision and Regulation, first, lack an adequate legal basis, second, lack an adequate factual basis, in that the Islamic Republic of Iran Shipping Lines ('IRISL') has been found by the General Court in its judgment in Case T-489/10, *IRISL v Council*, ECLI:EU:T:2013:453, not to have breached the restrictive measures imposed by the Security Council, third, breach the applicants' right to an effective remedy and the principles of *ne bis in idem* and *res judicata*, fourth, discriminate against entities alleged to be owned or controlled by IRISL without justification or proportionality, fifth, violate the applicants' right of defence, sixth, violate, without justification or proportion, other of the applicants' fundamental rights, including their right to property, to conduct a business and to respect for their reputation, and, seventh, entail an abuse of power by the Council, in that it has simply re-applied the same restrictive measures to the applicants in circumvention of a binding judgment of the General Court.

2. Second plea in law, being a plea for annulment under Article 263 TFUE, seeking the annulment of Council Decision (CFSP) 2015/556 of 7 April 2015 amending Council Decision 2010/413/CFSP (JO L 92, p. 101) and Council Implementing Regulation (EU) 2015/549 of 7 April 2015 implementing Regulation (EU) No 267/2012 (OJ L 92, p. 12) concerning restrictive measures against Iran, in so far as they apply to the applicants.

The applicants bring forward that the said Decision and Implementing Regulation, first, lack an adequate legal basis, second, involve manifest errors of assessment, third, lack a sufficient factual basis, fourth, breach the applicant's rights of defence and their entitlement to reasons, fifth, breach the applicant's rights to an effective remedy, the principle of *ne bis in idem* and the general principle of legitimate expectation, and, sixth, violate without justification or proportion, the applicant's fundamental rights, in particular their rights to property and to conduct a business.

Action brought on 25 June 2015 — Windrush Aka v OHIM — Dammers (The Specials)

(Case T-336/15)

(2015/C 294/92)

Language in which the application was lodged: English

Parties

Applicant: Windrush Aka LLP (London, United Kingdom) (represented by: S. Malynicz, Barrister and S. Britton, Solicitor)

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

Other party to the proceedings before the Board of Appeal: Jerry Dammers (London, United Kingdom)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community word mark 'The Specials' — Community trade mark No 3 725 082

Procedure before OHIM: Proceedings for revocation

Contested decision: Decision of the First Board of Appeal of OHIM of 18 March 2015 in Case R 1412/2014-1

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision;
- Order OHIM to pay its own costs and those incurred by the applicant.

Plea in law

- Infringement of Articles 15(1) and 15(2) of Regulation No 207/2009.

Action brought on 29 June 2015 — Bach Flower Remedies v OHIM — Durapharma (RESCUE)

(Case T-337/15)

(2015/C 294/93)

Language in which the application was lodged: English

Parties

Applicant: Bach Flower Remedies Ltd (Wimbledon, United Kingdom) (represented by: I. Fowler, Solicitor)

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

Other party to the proceedings before the Board of Appeal: Durapharma ApS (Stenstrup, Denmark)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community word mark 'RESCUE' — Community trade mark registration No 6 473 755

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of OHIM of 26 March 2015 in Case R 2551/2013-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order that the costs of the proceedings be borne by the defendant, and in case the other party before the Board of Appeal joins the proceedings, the intervener.

Plea in law

- Infringement of Article 52(1)(a) in conjunction with Articles 7(1)(b) and (c) and 7(3) of Regulation No 207/2009.
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