

Judgment of the General Court of 21 July 2016 — Hassan v Council(Case T-790/14) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken against Syria — Freezing of funds — Restriction on admission — Annulment of prior measures by a judgment of the General Court — New measures including the applicant's name on the lists — Manifest error of assessment — Right to property — Proportionality — Presumption of innocence — Non-contractual liability)

(2016/C 326/41)

Language of the case: French

Parties

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

Defendant: Council of the European Union (represented by: S. Kyriakopoulou and G. Étienne, acting as Agents)

Re:

First, application based on Article 263 TFEU and asking for annulment of Council Implementing Decision 2014/678/CFSP of 26 September 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2014 L 283, p. 59), of 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 (OJ 2014 L 283, p. 9), of Council Decision (CFSP) 2015/837 of 28 May 2015 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2015 L 132, p. 82), and of Council Implementing Regulation (EU) 2015/828 of 28 May 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2015 L 132, p. 3), in so far as those measures concern the applicant, and, second, application based on Article 268 TFEU asking to obtain compensation for the harm which the applicant has allegedly suffered because of those measures.

Operative part of the judgment

The Court:

- 1) Dismisses the action;
- 2) Orders Mr Samir Hassan to pay the costs.

⁽¹⁾ OJ C 34, 2.2.2015.

Judgment of the General Court of 21 July 2016 — Ogrodnik v EUIPO — Aviário Tropical (Tropical)(Case T-804/14) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark Tropical — Earlier national word mark TROPICAL — Relative ground for refusal — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009 — Extent of the applicant's rights under national law — Coexistence of the marks — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2016/C 326/42)

Language of the case: English

Parties

Applicant: Tadeusz Ogrodnik (Chorzów, Poland) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Garrido Otaola, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Aviário Tropical, SA (Loures, Portugal)