

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Arrom Conseil to bear its own costs and pay the costs incurred by the European Union Intellectual Property Office and Nina Ricci SARL.

⁽¹⁾ OJ C 294, 7.9.2015.

Judgment of the General Court of 20 September 2016 — Alsharghawi v Council

(Case T-485/15) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken in view of the situation in Libya — Freezing of funds — List of persons subject to restrictions on entry into and transit through EU territory — Functions of the former head of cabinet of Muammar Qadhafi — Choice of legal basis — Obligation to state reasons — Rights of the defence — Presumption of innocence — Proportionality — Freedom of movement — Right to property — Obligation to justify the merits of the measure)

(2016/C 402/48)

Language of the case: French

Parties

Applicant: Bashir Saleh Bashir Alsharghawi (Johannesburg, South Africa) (represented by: É. Moutet, lawyer)

Defendant: Council of the European Union (represented by: A. Vitro and V. Piessevaux, acting as Agents)

Re:

Application on the basis of Article 263 TFEU seeking the annulment in part, firstly, of Council Decision 2015/1333/CFSP of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ 2015 L 206, p. 34) and, secondly, Council Implementing Regulation (EU) 2015/1323 of 31 July 2015 implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya (OJ 2015 L 206, p. 4).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bashir Saleh Bashir Alsharghawi to bear his own costs and to pay the costs incurred by the Council of the European Union.

⁽¹⁾ OJ C 337, 12.10.2015.

Judgment of the General Court of 20 September 2016 — Excalibur City v EUIPO — Ferrero (MERLIN'S KINDERWELT)

(Case T-565/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark MERLIN'S KINDERWELT — Earlier national word mark KINDER — Relative ground for refusal — No similarity between the signs — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 402/49)

Language of the case: English

Parties

Applicant: Excalibur City s.r.o. (Znojmo, Czech Republic) (represented by: E. Engin-Deniz, lawyer)