

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of EUIPO of 27 October 2016 in Case R 803/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- declare the contested European Union Trademark No 5 510 921 ‘LA MAFIA SE SIENTA A LA MESA’ valid;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 52(1)(a) of Regulation No 207/2009;
- Infringement of Article 7(1)(f) of Regulation No 207/2009.

Action brought on 4 January 2017 — Sharif v Council

(Case T-5/17)

(2017/C 053/56)

Language of the case: English

Parties

Applicant: Ammar Sharif (Damascus, Syria) (represented by: B. Kennelly, QC and J. Pobjoy, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision (CFSP) 2016/1897 of 27 October 2016 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2016 L 293, p. 36, hereafter the ‘Contested Decision’) and Council Implementing Regulation (EU) 2016/1893 of 27 October 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2016 L 293, p. 25, hereafter the ‘Contested Regulation’) insofar as they apply to the applicant;
- declare, pursuant to Article 277 TFEU, that Article 28(2)(a) of the Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14) and Article 15(l a)(a) of the Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ 2012 L 16, p. 1) are inapplicable insofar as they apply to the Applicant, and the consequential annulment, insofar as they apply to the Applicant, of the Contested Decision and Contested Regulation;
- indemnify the applicant, pursuant to Article 340(2) TFEU, for the damages arising from the non-contractual liability of the EU for the unlawful acts of the Council; and
- order the Council to bear the costs of the proceedings.

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 that the Council has made manifest errors of assessment in considering that the criterion for listing the applicant in Article 28 of Decision 2013/255/CFSP and Article 15 of Regulation No 36/2012 was satisfied.

2. Second plea in law, alleging that the Council has infringed, without justification or proportion, the applicant's fundamental rights, including his right to protection of property, reputation and business. The impact of the Contested Measures on the applicant is far-reaching, both as regards to his property, and to his reputation worldwide. The Council has failed to demonstrate that the freezing of the applicant's assets and economic resources is related to, or justified by, any legitimate aim, still less that it is proportionate to such an aim.
3. Third plea in law, if, contrary to the applicant's principal case, the designation criterion is to be interpreted to capture any leading businessperson in Syria, irrespective of whether that businessperson has any association or connection with the Syrian regime, and irrespective of whether that individual benefits from or supports the Syrian regime, the applicant seeks a declaration that Article 28(2)(a) of Decision 2013/255/CFSP and Article 15(1a)(a) of Regulation No 36/2012 are inapplicable insofar as they apply to the applicant on the basis that the designation criterion is disproportionate to the otherwise legitimate objectives of those texts.

Order of the General Court of 21 December 2016 — fleur ami v EUIPO — 8 seasons design (Lamps)

(Case T-67/16) ⁽¹⁾

(2017/C 053/57)

Language of the case: German

The President of the Fifth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 111, 29.3.2016.

Order of the General Court of 20 December 2016 — Amira and Others v Commission and ECB

(Case T-736/16) ⁽¹⁾

(2017/C 053/58)

Language of the case: English

The President of the Third Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 475, 19.12.2016.
