

GENERAL COURT

Judgment of the General Court of 5 November 2013 — Rusal Armenal v Council

(Case T-512/09) ⁽¹⁾

(Dumping — Imports of certain aluminium foil originating in Armenia, Brazil and China — Accession of Armenia to the WTO — Market economy treatment — Article 2(7) of Regulation (EC) No 384/96 — Whether compatible with the Anti-Dumping Agreement — Article 277 TFEU)

(2013/C 367/48)

Language of the case: English

Parties

Applicant: Rusal Armenal ZAO (Yerevan, Armenia) (represented by: B. Evtimov, lawyer)

Defendant: Council of the European Union (represented: initially by J.-P. Hix, Agent, and by G. Berrisch and G. Wolf, lawyers, and subsequently by J.-P. Hix and B. Driessen, Agents, and by G. Berrisch, and lastly by J.-P. Hix and B. Driessen)

Intervener in support of the defendant: European Commission (represented by M. França and C. Clyne, Agents)

Re:

Application for the annulment of Council Regulation (EC) No 925/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China (OJ 2009 L 262, p. 1).

Operative part of the judgment

The Court:

1. Annuls Council Regulation (EC) No 925/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China in so far as it concerns Rusal Armenal ZAO;
2. Orders the Council of the European Union to pay the costs incurred by Rusal Armenal;

3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 80, 27.3.2010.

Judgment of the General Court of 5 November 2013 — Capitalizaciones Mercantiles v OHIM — Leineweber (X)

(Case T-378/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark X — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Distinctive character of the earlier mark — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 367/49)

Language of the case: Spanish

Parties

Applicant: Capitalizaciones Mercantiles Ltda (Bogota, Colombia) (represented by: J. Devaureix and L. Montoya Terán, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Leineweber GmbH & Co. KG (Herford, Germany) (represented by: S. Jackermeier and D. Wiedemann, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 15 May 2012 (Case R 1524/2011-1) concerning opposition proceedings between Leineweber GmbH & Co. KG and Capitalizaciones Mercantiles Ltda.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Capitalizaciones Mercantiles Ltda to pay the costs.

⁽¹⁾ OJ C 366, 24.11.2012.