

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders MOL Magyar Olaj- és Gázipari Nyrt. to pay the costs.

(¹) OJ C 319, 20.10.2012.

**Judgment of the General Court of 6 June 2013 —
Celtipharm v OHIM — Alliance Healthcare France
(PHARMASTREET)**

(Case T-411/12) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark PHARMASTREET — Earlier national word mark PHARMASEE — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 225/173)

Language of the case: French

Parties

Applicant: Celtipharm (Vannes, France) (represented by: P. Greffe and C. Fendeleur, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Alliance Healthcare France SA (Gennevilliers, France)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 26 June 2012 (Case R 767/2011-2), relating to opposition proceedings between Celtipharm and Alliance Healthcare France SA.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 26 June 2012 (Case R 767/2011-2);
2. Upholds the opposition as regards goods in Class 5 corresponding to the description 'pharmaceutical preparations; dietetic substances adapted for medical use', on the one hand, and services in Class 35 corresponding to the description 'business management, business administration and office functions', on the other;

3. Orders each party to bear its own costs.

(¹) OJ C 366, 24.11.2012.

**Order of the General Court of 15 May 2013 — Al-Faqih
and MIRA v Council and Commission**

(Case T-322/09) (¹)

(Common foreign and security policy — Restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban — Freezing of funds — Withdrawal from the list of persons concerned — No need to adjudicate)

(2013/C 225/174)

Language of the case: English

Parties

Applicants: Saad Al-Faqih (London, United Kingdom) and Movement for Islamic Reform in Arabia (MIRA) (London, United Kingdom) (represented by: J. Jones, Barrister, and A. Raja, solicitor)

Defendants: Council of the European Union (represented initially by R. Szostak and E. Finnegan, then by E. Finnegan and J.-P. Hix, agents); and European Commission (represented by T. Scharf and M. Konstantinidis, agents)

Re:

Application for annulment of Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (OJ 2002 L 139, p. 9), as amended for the 42nd time by Commission Regulation (EC) No 14/2005 of 5 January 2005 (OJ 2005 L 5, p. 10), for the 48th time by Commission Regulation (EC) No 1190/2005 of 20 July 2005 (OJ 2005 L 193, p. 27), for the 75th time by Commission Regulation (EC) No 492/2007 of 3 May 2007 (OJ 2007 L 116, p. 5) and for the 116th time by Commission Regulation (EC) No 1102/2009 of 16 November 2009 (OJ 2009 L 303, p. 39), and/or an application for annulment of Regulations Nos 14/2005, 1190/2005, 492/2007 and 1102/2009, in so far as they concern the applicants

Operative part of the order

The General Court orders:

1. There is no need to adjudicate on the action.

2. *The Council of the European Union and the European Commission shall jointly and severally pay the costs.*

⁽¹⁾ OJ C 113, 1.5.2010.

Order of the General Court of 17 June 2013 — Zavvar v Council

(Case T-69/12) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Removal of the persons concerned from the list — No need to adjudicate)

(2013/C 225/175)

Language of the case: English

Parties

Applicant: Seyed Hadi Zavvar (Dubai, United Arab Emirates) (represented by: S. Zaiwalla, P. Reddy and F. Zaiwalla, Solicitors, D. Wyatt QC, and R. Blakeley, Barrister)

Defendant: Council of the European Union (represented by: B. Driessen and I. Rodios, acting as Agents)

Re:

Application for (i) annulment of point 22 of Table A in the Annex to Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2011 L 319, p. 71), point 22 of Table A in the Annex to Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran (OJ 2011 L 319, p. 11), and Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation No 961/2010 (OJ 2012 L 88, p. 1), in so far as those measures concern the applicant, and (ii) a declaration that Article 20(1)(b) of Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39) and Article 16(2) of Council Regulation No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 (OJ 2010 L 281, p. 1) are not to apply to the applicant.

Operative part of the order

1. *There is no need to adjudicate on the action.*
2. *The Council of the European Union shall pay the costs.*

⁽¹⁾ OJ C 109, 14.4.2012.

Order of the General Court of 17 June 2013 — Divandari v Council

(Case T-70/12) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Plea of inadmissibility — Lis pendens — Plea of illegality — Removal of the persons concerned from the list — No need to adjudicate)

(2013/C 225/176)

Language of the case: English

Parties

Applicant: Ali Divandari (Tehran, Iran) (represented by: S. Zaiwalla, P. Reddy and F. Zaiwalla, Solicitors, M. Brindle QC, and R. Blakeley, Barrister)

Defendant: Council of the European Union (represented by: M. Bishop and I. Rodios, acting as Agents)

Re:

Application for (i) annulment of Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2011 L 319, p. 71), Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran (OJ 2011 L 319, p. 11), and Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation No 961/2010 (OJ 2012 L 88, p. 1), in so far as those measures concern the applicant, and (ii) a declaration that Article 20(1)(b) of Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39) and Article 16(2) of Council Regulation No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 (OJ 2010 L 281, p. 1) are not to apply to the applicant.

Operative part of the order

1. *The action is dismissed as being inadmissible in so far as it seeks a declaration that Article 20(1)(b) of Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP and Article 16(2) of Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 are not to apply to the applicant.*
2. *The remainder of the plea of inadmissibility is rejected.*
3. *There is no need to adjudicate on the action in so far as it seeks the annulment of Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413, Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation No 961/2010, and Council*