

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Fabryka Węży Gumowych i Tworzyw Sztucznych Fagumit sp. z o.o. (Fagumit) (Wolbrom, Poland) (represented by: M. Krekora, T. Targosz and P. Podrecki, lawyers)

#### Re:

Two actions brought against two decisions of the First Board of Appeal of OHIM of 3 September 2010 (Cases R 1002/2009-1 and R 1003/2009-1), concerning invalidity proceedings between Fabryka Węży Gumowych i Tworzyw Sztucznych Fagumit sp. z o.o. and Ursula Adamowski.

#### Operative part of the judgment

The Court:

1. Orders that Cases T-537/10 and T-538/10 be joined for the purposes of judgment;
2. Dismisses the actions;
3. Orders Ursula Adamowski to bear her own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Fabryka Węży Gumowych i Tworzyw Sztucznych Fagumit sp. z o.o. relating to the proceedings before the Court.

<sup>(1)</sup> OJ C 30, 29.1.2011.

#### Judgment of the General Court of 29 November 2012 — Thesing and Bloomberg Finance v ECB

(Case T-590/10) <sup>(1)</sup>

**(Access to documents — Decision 2004/258/EC — Documents concerning the government debt and government deficit of a Member State — Refusal of access — Exception relating to the economic policy of the Union or of a Member State — Partial refusal of access)**

(2013/C 26/78)

Language of the case: English

#### Parties

**Applicants:** Gabi Thesing (London, United Kingdom); and Bloomberg Finance LP (Wilmington, Delaware, United States) (represented by: M. Stephens, R. Lands, Solicitors, and T. Pitt-Payne QC)

**Defendant:** European Central Bank (ECB) (represented initially by A. Sáinz de Viqueña Barroso, M. López Torres and S. Lambrinoc, and subsequently by M. López Torres and S. Lambrinoc, Agents)

#### Re:

Application for annulment of the decision of the ECB's Executive Board, which was notified to Ms Thesing by letter

of the President of the ECB of 21 October 2010, rejecting an application by Ms Thesing for access to two documents concerning the government deficit and debt of the Hellenic Republic.

#### Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ms Gabi Thesing and Bloomberg Finance LP to bear their own costs and to pay those incurred by the European Central Bank (ECB).

<sup>(1)</sup> OJ C 72, 5.3.2011.

#### Judgment of the General Court of 11 December 2012 — Sina Bank v Council

(Case T-15/11) <sup>(1)</sup>

**(Common foreign and security policy — Restrictive measures taken against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Actions for annulment — Duty to state reasons)**

(2013/C 26/79)

Language of the case: English

#### Parties

**Applicant:** Sina Bank (Tehran, Iran) (represented by: B. Mettetal and C. Wucher-North, lawyers)

**Defendant:** Council (represented by: M. Bishop and G. Marhic, acting as Agents)

**Intervener in support of the defendant:** European Commission (represented by: F. Erlbacher and M. Konstantinidis, acting as Agents)

#### Re:

Annulment of, first, Annex VIII to Council Regulation (EU) 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), in so far as the latter concerns the applicant, and, second, the 'decision' in the Council's letter of 28 October 2010 concerning the applicant; and a declaration of inapplicability, as regards the applicant, of, first, Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2007 L 195, p. 39), as resulting from Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413 (OJ 2010 L 281, p. 81), in so far as the latter concerns the applicant, second, Article 16(2) of Regulation No 961/2010 and, third, Article 20(1)(b) of Decision 2010/413.

**Operative part of the judgment**

The Court:

1. Annuls Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP, as resulting from Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413, and Annex VIII to Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007, in so far as the latter concern Sina Bank;
2. Orders that the effects of Annex II to Decision 2010/413, as resulting from Decision 2010/644, be maintained in relation to Sina Bank until annulment of Annex VIII to Regulation No 961/2010 takes effect;
3. Dismisses the action as to the remainder;
4. Orders the Council to bear two thirds of the costs incurred by Sina Bank and two thirds of its own costs;
5. Orders Sina Bank to bear one third of its own costs and one third of the Council's costs;
6. Orders the European Commission to bear its own costs.

(<sup>1</sup>) OJ C 72, 5.3.2011.

**Judgment of the General Court of 5 December 2012 —  
Consorzio vino Chianti Classico v OHIM — FFR (F.F.R.)**

(Case T-143/11) (<sup>1</sup>)

**(Community trade mark — Opposition proceedings — Application for a Community figurative mark 'F.F.R.' — Earlier national figurative marks CHIANTI CLASSICO — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) and 8(5) of Regulation (EC) No 207/2009)**

(2013/C 26/80)

Language of the case: English

**Parties**

**Applicant:** Consorzio vino Chianti Classico (Radda in Chianti, Italy) (represented by: S. Corona, G. Ciccone and A. Loffredo, lawyers)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by V. Melgar and G. Mannucci and subsequently by V. Melgar and D. Walicka, acting as Agents)

**Other party to the proceedings before the Board of Appeal of OHIM:** Fédération française de rugby (FFR) (Marcoussis, France)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 10 January 2011 (Case R 43/2010-4), concerning opposition proceedings between Consorzio vino Chianti Classico and Fédération française de rugby (FFR).

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 10 January 2011 (Case R 43/2010-4) in so far as the Board of Appeal rejected the opposition based on Article 8(5) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark;
2. Dismisses the action as to the remainder;
3. Orders Consorzio vino Chianti Classico and OHIM each to bear the costs which they have incurred in the course of the proceedings before the General Court.

(<sup>1</sup>) OJ C 152, 21.5.2011.

**Judgment of the General Court of 29 November 2012 —  
Hopf v OHIM (Champflex)**

(Case T-171/11) (<sup>1</sup>)

**(Community trade mark — Application for Community word mark Champflex — Absolute grounds for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 — Lack of distinctiveness — Article 7(1)(b) of Regulation No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)**

(2013/C 26/81)

Language of the case: German

**Parties**

**Applicant:** Hans-Jürgen Hopf (Zirndorf, Germany) (represented by: V. Mensing, lawyer)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Klüpfel, acting as Agent)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 19 January 2011 (Case R 1514/2010-4) concerning an application for registration of the word mark Champflex as a Community trade mark.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 19 January 2011 (Case R 1514/2010-4) in so far as it concerns the goods 'syringes';