

GENERAL COURT

Judgment of the General Court of 26 February 2015 — Pangyrus v OHIM — RSVP Design (COLOURBLIND)

(Case T-257/11) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark COLOURBLIND — Word sign COLOURBLIND — Absolute ground for refusal — No bad faith — Article 52(1)(b) of Regulation (EC) No 207/2009 — No use in the course of trade of a sign of more than mere local significance — Relative ground for refusal — Article 8(4) and Article 53(1)(c) of Regulation No 207/2009)

(2015/C 118/29)

Language of the case: English

Parties

Applicant: Pangyrus Ltd (York, United Kingdom) (represented by: S. Clubb, Solicitor, and M. Lindsay QC)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: RSVP Design Ltd (Brookfield, United Kingdom) (represented initially by M. Blair, and subsequently by J. MacKenzie, Solicitors)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 23 March 2011 (Case R 751/2009-4) concerning invalidity proceedings between Pangyrus Ltd and RSVP Design Ltd.

Operative part of the judgment

The Court:

- 1) Dismisses the action;
- 2) Orders Pangyrus Ltd to pay the costs.

⁽¹⁾ OJ C 211, 16.7.2011.

Judgment of the General Court of 26 February 2015 — Sabbagh v Council

(Case T-652/11) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken against Syria — Freezing of funds — Manifest error of assessment — Non-contractual liability)

(2015/C 118/30)

Language of the case: French

Parties

Applicant: Bassam Sabbagh (Damascus, Syria) (represented by: M.-A. Bastin and J.-M. Salva, lawyers)

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

Re:

Firstly, annulment in part of Council Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 296, p. 3) and of Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273/CFSP (OJ 2011 L 319, p. 56) and 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), in so far as the applicant's name has been included in the lists of persons and entities to which those restrictive measures apply and, secondly, an action for damages seeking compensation for the harm allegedly suffered by the applicant.

Operative part of the judgment

The Court:

1. *Rejects as inadmissible the application for annulment of the Council Implementing Regulations later than the adoption of 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;*
2. *Annuls, in so far as those acts concern Mr Bassam Sabbagh:*
 - *Council Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation (EU) No 442/2011;*
 - *Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273/CFSP;*
 - *Regulation No 36/2012;*
3. *Orders the effects of the regulations annulled to be maintained with respect to Mr Sabbagh until the time-limit for an appeal has expired or, if an appeal is brought within that time-limit, until any dismissal of the appeal;*
4. *Dismisses the claim for compensation;*
5. *Orders the Council of the European Union to bear its own costs and to pay half of the costs incurred by Mr Sabbagh;*
6. *Orders Mr Sabbagh to bear half of his own costs.*

⁽¹⁾ OJ C 58, 25.2.2012.

Judgment of the General Court of 26 February 2015 — France v Commission

(Case T-135/12) ⁽¹⁾

(State aid — Pensions — Aid for the reform of the arrangements for financing the retirement pensions of civil servants working for France Télécom — Reduction of the compensation to be paid to the State by France Télécom — Decision declaring the aid compatible with the internal market under certain conditions — Advantage)

(2015/C 118/31)

Language of the case: French

Parties

Applicant: French Republic (represented by: initially E. Belliard, G. de Bergues, J. Gstalter and J. Rossi, then D. Colas Diégo and R. Coesme, Agents)

Defendant: European Commission (represented by: B. Stromsky, L. Flynn and D. Grespan, Agents)