

2. Second plea in law, alleging misuse of powers by the defendant.
3. Third plea in law, alleging an incorrect assessment of evidence, as well as the inability of the evidence to support the finding of an infringement.
4. Fourth plea in law, alleging an infringement of Article 23(3) of Council Regulation (EC) No 1/2003 ⁽¹⁾ and of the 2006 fining guidelines ⁽²⁾ due to a manifest incorrect assessment of the gravity and duration of the infringement, as well as of the mitigating circumstances, and a breach of the principle of non-discrimination in the calculation of the fine.

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1)

⁽²⁾ Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (OJ 2006 C 210, p. 2)

Action brought on 29 December 2011 — Morison Menon Chartered Accountants and Others v Council

(Case T-656/11)

(2012/C 58/26)

Language of the case: English

Parties

Applicants: Morison Menon Chartered Accountants (Dubai, United Arab Emirates); Morison Menon Chartered Accountants — Dubai Office (Dubai); and Morison Menon Chartered Accountants — Sharjah Office (Sharjah, United Arab Emirates) (represented by: H. Viaene, T. Ruys and D. Gillet, lawyers)

Defendant: Council of the European Union

Form of order sought

- Annul Council implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran ⁽¹⁾ and Council Decision 2011/783/CFSP of 1 December 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran ⁽²⁾ insofar as they concern the applicants;
- Order the Council to pay the costs incurred by the applicants, as well as its own.

Pleas in law and main arguments

In support of their action, the applicants rely on three pleas in law.

1. First plea in law, alleging

- an infringement of the duty to state reasons on the part of the Council, as well as the applicants' rights of defence, in particular the right to be heard and to an effective judicial remedy;

2. Second plea in law, alleging

- a manifest error of assessment on the part of the Council;

3. Third plea in law, alleging

- an infringement of the right to property.

⁽¹⁾ OJ L 319, 2.12.2011, p. 11

⁽²⁾ OJ L 319, 2.12.2011, p. 71

Action brought on 21 December 2011 — Commission/OHMI — European Alliance for Solutions and Innovations (EASI European Alliance Solutions Innovations)

(Case T-659/11)

(2012/C 58/27)

Language in which the application was lodged: English

Parties

Applicant: European Commission (represented by: A. Berenboom, A. Joachimowicz, and M. Isgour, lawyers, J. Samnadda, and F. Wilman, Agents)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: European Alliance for Solutions and Innovations Ltd (London, United Kingdom)

Form of order sought

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 October 2011 in case R 1991/2010-4;
- Declare therefore invalid the Community trademark No 6112403 registered on 17 October 2008 by the other party to the proceedings before the Board of Appeal in classes 36, 37, 44 and 45; and
- Order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: The figurative mark 'EASI European Alliance Solutions Innovations' in the colours 'yellow, light blue, blue', for services in classes 36, 37, 44 and 45 — Community trade mark registration No 6112403

Proprietor of the Community trade mark: The other party to the proceedings before the Board of Appeal