

2. Second plea in law, alleging a distortion of the facts and evidence (paragraphs 33 to 37 of the judgment under appeal), since, on the basis of the case-file, the CST had no ground to find, in paragraph 35 of the judgment under appeal that ‘the Appointing Authority took no account of the certification of officials in the comparative examination of their merits before drawing up the list of officials in grade AST 8 promoted to grade AST 9 in the 2010 promotion procedure’.

Action brought on 12 April 2012 — Peri v OHIM (Shape of a turnbuckle)

(Case T-171/12)

(2012/C 184/32)

Language of the case: German

Parties

Applicant: Peri GmbH (Weißenhorn, Germany) (represented by J. Dönch, lawyer)

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

Form of order sought

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 26 January 2012 in Case R 1209/2011-1;

- order OHIM to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Three-dimensional mark in the shape of a turnbuckle, for goods in Classes 6 and 19 — application No 9 462 078

Decision of the Examiner: Registration refused

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 7(1)(b) and (e)(i) and (ii) of Regulation No 207/2009

Action brought on 17 April 2012 — Syrian Lebanese Commercial Bank v Council

(Case T-174/12)

(2012/C 184/33)

Language of the case: French

Parties

Applicant: Syrian Lebanese Commercial Bank S.A. L. (Beirut, Lebanon) (represented by: P. Vanderveeren, L. Defalque and T. Bontinck, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Article 1 of Council Implementing Regulation No 55/2012 of 23 January 2012 and point 27 of the annex to that regulation in so far as the applicant has been added to Annex II to Council Regulation 36/2012 of 18 January 2012;

- annul Article 1 of Implementing Decision 2012/37/CFSP and point 27 of the annex to that decision in so far as the applicant has been added to Annex II to Decision 2011/273;

- annul, in so far as necessary; the Council's decision (in the form of a letter) of 24 January 2012;

- order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. By its first plea in law, the applicant alleges a manifest error of assessment of its involvement in the financing of the Syrian Regime, since the Council failed to prove the applicant's involvement in the financing of that regime, either prior to or since adopting the contested measures.
2. By its second plea in law it alleges an infringement of the rights of the defence, of the right to a fair hearing and to effective judicial protection as a result of the failure to organise a hearing when adopting the contested measures, and by the Council's implicit refusal to furnish evidence justifying the nature and severity of the sanction.

3. The third plea in law alleges a lack of sufficient and precise reasoning, in that the Council merely provided vague and general considerations without stating the specific and concrete reasons why it considered that the applicant needed to be made subject to restrictive measures.
4. By its fourth plea in law, the applicant claims that there were insufficiencies surrounding the adoption of the contested measures, in so far as the Council failed to set out therein the fundamental rights and principles which European Union law grants to the addressees of those measures, and in so far as those measures were adopted on the basis of Article 215 TFEU, which the applicant regards as devoid of any democratic guarantees.

**Action brought on 20 April 2012 — Wirtgen v OHIM
(Shape of a chisel holder)**

(Case T-179/12)

(2012/C 184/34)

Language of the case: German

Parties

Applicant: Wirtgen GmbH (Windhagen, Germany) (represented by S. Jackermeier, lawyer)

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

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 February 2012 in Case R 1923/2011-4;
- order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the three-dimensional mark in the form of a chisel holder for goods in Class 7 — application No 9 749 631

Decision of the Examiner: rejection of the application

Decision of the Board of Appeal: dismissal of the appeal

Pleas in law: Infringement of Article 37(3), the second sentence of Article 75, Article 63(2), the first part of Article 76(1) and Article 77(1) of Regulation No 207/2009 and infringement of Article 7(1)(b) of Regulation No 207/2009

**Order of the General Court of 27 April 2012 —
Commission v Smadja**

(Case T-513/08 P) ⁽¹⁾

(2012/C 184/35)

Language of the case: French

The President of the Appeal Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 44, 21.2.2009.

**Order of the General Court of 27 April 2012 — Spa
Monopole v OHIM — Club de Golf Peralada (WINE SPA)**

(Case T-183/09) ⁽¹⁾

(2012/C 184/36)

Language of the case: Spanish

The President of the Fifth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 153, 4.7.2009.

**Order of the General Court of 20 April 2012 —
Entegris v OHIM — Optimize Technologies (OPTIMIZE
TECHNOLOGIES)**

(Case T-163/10) ⁽¹⁾

(2012/C 184/37)

Language of the case: English

The President of the Sixth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 161, 19.6.2010.

**Order of the General Court of 3 May 2012 — Consorzio
del vino nobile di Montepulciano and Others v
Commission**

(Case T-318/10) ⁽¹⁾

(2012/C 184/38)

Language of the case: Italian

The President of the Eighth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 260, 25.9.2010.