

Form of order sought

The applicant claims that the Court should:

— annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 18 October 2012 in Case R 1784/2011-1;

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

Community trade mark concerned: word mark 'oto-soft' for goods and services in Classes 1, 7, 8, 10, 41 and 44 — Community trade mark application No 9 836 081

Decision of the Examiner: rejection of the application for registration

Decision of the Board of Appeal: dismissal of the appeal

Pleas in law: infringement of Article 7(1)(b) of Regulation No 207/2009

**Action brought on 27 December 2012 —
Coppentrath-Verlag v OHIM — Sembella (Rebella)**

(Case T-551/12)

(2013/C 55/35)

Language in which the application was lodged: German

Parties

Applicant: Coppentrath-Verlag GmbH & Co. KG (Münster, Germany) (represented by: D. Pohl, lawyer)

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

Other party to the proceedings before the Board of Appeal: Sembella GmbH (Timelkam, Austria)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 5 October 2012 in Case R 1681/2011-2;

— Order OHIM to pay the costs including those incurred in the course of the appeal proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the word mark 'Rebella' for goods in Classes 20 and 24 — Community trade mark application No 8 498 735

Proprietor of the mark or sign cited in the opposition proceedings: Sembella GmbH

Mark or sign cited in opposition: the word mark 'Sembella' for goods in Classes 17, 20 and 22

Decision of the Opposition Division: the opposition was upheld in part

Decision of the Board of Appeal: the appeal was dismissed and the application was accordingly rejected

Pleas in law: Infringement of Article 42(2) of Regulation No 207/2009 and infringement of Article 8(1)(b) of Regulation No 207/2009

Action brought on 24 December 2012 — Compagnie des bateaux mouches SA v OHIM

(Case T-553/12)

(2013/C 55/36)

Language of the case: French

Parties

Applicant: Compagnie des bateaux mouches SA (Paris, France) (represented by G. Barbaut, lawyer)

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

Form of order sought

The applicant claims that the Court should:

— declare the application admissible;

— annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 9 October 2012 in Case R 1709/2011-2;

— alter that decision;

— order the General Court of the European Union to pay all the costs.

Pleas in law and main arguments

Community trade mark concerned: Figurative mark containing the word elements 'BATEAUX-MOUCHES' in respect of services in Classes 39, 41 and 43 — Application for registration No 5 666 631

Decision of the Examiner: Partial rejection of the trade mark application

Decision of the Board of Appeal: Dismissal of the appeal

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

Action brought on 26 December 2012 — Central Bank of Iran v Council

(Case T-563/12)

(2013/C 55/37)

Language of the case: English

Parties

Applicant: Central Bank of Iran (Tehran, Iran) (represented by: M. Lester, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— Annul Council Decision 2012/635/CFSP of 15 October 2012 ⁽¹⁾ and Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 ⁽²⁾, in so far as those measure apply to the applicant;

— Order the defendant to pay the applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that none of the legal criteria for listing the applicant is fulfilled, the Council erred manifestly in considering that any of the criteria for listing was fulfilled, and there is no valid legal basis for its designation.

2. Second plea in law, alleging that the Council has failed to give adequate or sufficient reasons for including the applicant in the contested measures.

3. Third plea in law, alleging that the Council has failed to safeguard the applicant's rights of defence and to effective judicial review.

4. Fourth plea in law, alleging that the Council's decision to designate the applicant has infringed, without justification or proportion, the applicant's fundamental rights, including its right to protection of its property, business, and reputation.

⁽¹⁾ Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 282, p. 58)

⁽²⁾ Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2012 L 282, p. 16)

Action brought on 26 December 2012 — Ministry of Energy of Iran v Council

(Case T-564/12)

(2013/C 55/38)

Language of the case: English

Parties

Applicant: Ministry of Energy of Iran (Tehran, Iran) (represented by: M. Lester, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— Annul Council Decision 2012/635/CFSP of 15 October 2012 ⁽¹⁾ and Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 ⁽²⁾, in so far as those measure apply to the applicant;

— Order the defendant to pay the applicant's costs.