

— 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 <sup>(1)</sup> and Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 <sup>(2)</sup>, 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.

<sup>(1)</sup> 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)

<sup>(2)</sup> 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 <sup>(1)</sup> and Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 <sup>(2)</sup>, 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 applicants is fulfilled, the Council erred manifestly in considering that any of the criteria for listing was fulfilled, and its designation is based on a manifest error of fact.
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.

<sup>(1)</sup> 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)

<sup>(2)</sup> 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 27 December 2012 — National Iranian Tanker Company v Council**

(Case T-565/12)

(2013/C 55/39)

*Language of the case: English*

**Parties**

*Applicant:* National Iranian Tanker Company (Tehran, Iran) (represented by: R. Chandrasekera, S. Ashley, C. Murphy, Solicitors, and 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 <sup>(1)</sup> and Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 <sup>(2)</sup>, in so far as those measure apply to the applicant;

- Order the annulment to take effect immediately and not be suspended;

- 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 applicants is fulfilled, the Council erred manifestly in considering that any of the criteria for listing was fulfilled, and there is no valid legal or factual basis for its designation.
2. Second plea in law, alleging that the Council has failed to give adequate or sufficient reasons for designating the applicant.
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

<sup>(1)</sup> 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)

<sup>(2)</sup> 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 18 December 2012 — PAN Europe en Stichting Natuur en Milieu v Commission**

(Case T-574/12)

(2013/C 55/40)

*Language of the case: Dutch*

**Parties**

*Applicants:* Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) and Stichting Natuur en Milieu (Utrecht, Netherlands) (represented by: F. Martens, lawyer)

*Defendant:* European Commission