

Order of the President of the General Court of 11 March 2013 — North Drilling v Council

(Case T-552/12 R)

(Interim relief — Common foreign and security policy — Restrictive measures against Iran — Freezing of funds and economic resources — Application for interim measures — Lack of urgency — Weighing up of interests)

(2013/C 141/33)

Language of the case: Spanish

Parties

Applicant: North Drilling Co. (Tehran, Iran) (represented by: J. Viñals Camallonga, L. Barriola Urruticoechea and J. Iriarte Ángel, lawyers)

Defendant: Council of the European Union (represented by: M. Bishop and A. De Elera, Agents)

Re:

Application for a stay in the enforcement, first, of 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), in so far as the applicant's name was entered in Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39), and, secondly, of 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), in so far as that regulation concerns the applicant.

Operative part of the order

1. *The application for interim measures is rejected.*
2. *The costs are reserved.*

Order of the President of the General Court of 11 March 2013 — Communicaid Group v Commission

(Case T-4/13 R)

(Interim measures — Public services contracts — Tendering procedure — Language training services — Rejection of tender submitted by a tenderer — Application for suspension of operation and interim measures — Loss of opportunity — Lack of serious and irreparable damage — Lack of urgency)

(2013/C 141/34)

Language of the case: English

Parties

Applicant: Communicaid Group Ltd (London, United Kingdom) (represented by: C. Brennan, Solicitor, F. Randolph QC and M. Gray, Barrister)

Defendant: European Commission (represented by: S. Delaude and S. Lejeune, Agents, and by P. Wytinck, lawyer)

Re:

Application for suspension of operation of decisions of the Commission rejecting the tenders submitted by the applicant in respect of several lots in a call for tenders relating to framework contracts for the provision of language training to staff of the institutions, bodies and agencies of the European Union in Brussels (Belgium) and, further, for an order prohibiting the Commission from entering into contracts for the lots at issue with the successful tenderer.

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*

Action brought on 20 February 2013 — CMT v OHIM — Camomilla (Camomilla)

(Case T-98/13)

(2013/C 141/35)

Language in which the application was lodged: Italian

Parties

Applicant: CMT Compagnia manifatture tessili Srl (CMT Srl) (Naples, Italy) (represented by: G. Florida and R. Florida, lawyers)

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

Other party to the proceedings before the Board of Appeal: Camomilla SpA (Buccinasco, Italy)

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 29 November 2012 in Case R 1615/2011 1 by finding that the absolute ground for invalidity under Article 52(1)(b) of Regulation No 207/2009 — based on the bad faith of the proprietor of the Community trade mark at the time when the application was filed — and the relative ground for invalidity under Article 53(1)(a), in conjunction with Articles 8(1)(b) and 8(5) of the regulation, are made out;

- In the alternative, and only in the event that the Court should consider the documents produced at the time of the appeal before the Board of Appeal inadmissible and should consider those documents essential for the purposes of granting the appeal, annul the contested decision on the ground of failure to have regard to the right to be heard and infringement of the rights of the defence and refer the case back to the Cancellation Division for a decision on the substance;
- In any event, call upon OHIM to adopt the measures necessary to comply with the judgment of the General Court;
- Order OHIM to pay the costs of the present proceedings and the trade mark proprietor to pay the costs of the proceedings before the Cancellation Division and the Board of Appeal.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: figurative mark containing the word element 'Camomilla' for goods in Classes 16, 18 and 24 — Community trade mark No 269 241

Proprietor of the Community trade mark: Camomilla SpA

Applicant for the declaration of invalidity of the Community trade mark: the applicant

Grounds for the application for a declaration of invalidity: National figurative mark containing the word element 'CAMOMILLA' for goods in Class 25

Decision of the Cancellation Division: application rejected

Decision of the Board of Appeal: appeal dismissed

Pleas in law: Infringement of Article 52(1)(b) and Article 53(1)(a), in conjunction with Article 8(1)(b), of Regulation No 207/2009

Action brought on 20 February 2013 — CMT v OHIM — Camomilla (Camomilla)

(Case T-99/13)

(2013/C 141/36)

Language in which the application was lodged: Italian

Parties

Applicant: CMT Compagnia manifatture tessili Srl (CMT Srl) (Naples, Italy) (represented by: G. Florida and R. Florida, lawyers)

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

Other party to the proceedings before the Board of Appeal: Camomilla SpA (Buccinasco, Italy)

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 29 November 2012 in Case R 1617/2011-1 by finding that the absolute ground for invalidity under Article 52(1)(b) of Regulation No 207/2009 — based on the bad faith of the proprietor of the Community trade mark at the time when the application was filed — and the relative ground for invalidity under Article 53(1)(a), in conjunction with Articles 8(1)(b) and 8(5) of the regulation, are made out;
- In the alternative, and only in the event that the Court should consider the documents produced at the time of the appeal before the Board of Appeal inadmissible and should consider those documents essential for the purposes of granting the appeal, annul the contested decision on the ground of failure to have regard to the right to be heard and infringement of the rights of the defence and refer the case back to the Cancellation Division for a decision on the substance;
- In any event, call upon OHIM to adopt the measures necessary to comply with the judgment of the General Court;
- Order OHIM to pay the costs of the present proceedings and the trade mark proprietor to pay the costs of the proceedings before the Cancellation Division and the Board of Appeal.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: figurative mark containing the word element 'Camomilla' for goods in Classes 3, 9, 14, 16, 21, 24 and 28 — Community trade mark No 3 158 196

Proprietor of the Community trade mark: Camomilla SpA

Applicant for the declaration of invalidity of the Community trade mark: the applicant

Grounds for the application for a declaration of invalidity: National figurative mark containing the word element 'CAMOMILLA' for goods in Class 25

Decision of the Cancellation Division: Application rejected