

Action brought on 6 November 2013 — FK v Commission**(Case T-248/13)**

(2014/C 9/39)

*Language of the case: English***Parties**

Applicant: FK (Damascus, Syria) (represented by: E. Grieves, Barrister, and J. Carey, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— Annul Commission Regulation (EC) No 14/2007 of 10 January 2007 amending for the 74th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 (OJ L 6, p.6) insofar as it applies to the applicant, and Commission's decision of 6 March 2013 to maintain the listing;

— Order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the contested decision was not taken promptly or within a reasonable time period.
2. Second plea in law, alleging that the Commission has failed to meaningfully evaluate for itself whether the applicant satisfied the relevant criteria. In particular, the applicant states that the Commission: (a) failed to seek and/or obtain the underlying evidence for the allegations; (b) failed to ensure the statement of reasons was coterminous with the reason relied upon by the United Nations Sanctions Committee and failed to seek and/or obtain sufficient detail of the allegations such as to permit the applicant to answer such effectively; (c) failed to assess whether any of the allegations are based upon material tainted by torture; and (d) failed to seek and/or obtain any relevant exculpatory material.
3. Third plea in law, alleging that the Commission has failed to apply the correct burden and standard of proof.
4. Fourth plea in law, alleging that the statement of reasons relied upon by the Commission is legally defective in that: (a) none of the allegations are supported by evidence thereby failing to demonstrate the allegations are well

founded; (b) some allegations are insufficiently precise such as to enable to the applicant to effectively challenge the allegations; (c) some allegations are so historic and/or vague such as to fail to rationally connect to the relevant criteria; and (d) some allegations are inconsistent with exculpatory material.

5. Fifth plea in law, alleging that the Commission failed to perform a proportionality exercise, balancing the fundamental rights of the applicant with the actual current risk he is said to pose.

Action brought on 4 October 2013 — Panrico v OHIM — HDN Development (Krispy Kreme DOUGHNUTS)**(Case T-534/13)**

(2014/C 9/40)

*Language in which the application was lodged: Spanish***Parties**

Applicant: Panrico, SA (Barcelona, Spain) (represented by: D. Pellisé Urquiza, lawyer)

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

Other party to the proceedings before the Board of Appeal: HDN Development Corp. (Frankfort, United States of America)

Form of order sought

The applicant claims that the General Court should:

- declare the present action admissible;
- set aside the decision of 25 July 2013 of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market in Case R 623/2011-4, notified to the applicant on 29 July 2013; and
- declare invalid Community trade mark No 1 298 785 'KRISPY KREME DOUGHNUTS'.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Figurative mark 'Krispy Kreme DOUGHNUTS' for products and services in Classes 25, 30 and 42 — Registered Community trade mark No 1 298 785

Proprietor of the Community trade mark: HDN Development Corp.

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