

2. *The applicant and the intervener shall bear their own costs and shall each pay half of the costs incurred by the defendant.*

(¹) OJ C 184, 23.6.2012.

Order of the President of the General Court of 26 September 2013 — Tilly-Sabco v Commission

(Case T-397/13 R)

(Interim measures — Agriculture — Export refunds — Poultrymeat — Regulation fixing the refunds at zero — Application for stay of execution — Lack of urgency — Weighing up of interests)

(2013/C 344/100)

Language of the case: French

Parties

Applicant: Tilly-Sabco (Guerlesquin, France) (represented by: R. Milchior and F. Le Roquais, lawyers)

Defendant: European Commission (represented by: G. de Bergues, D. Colas and C. Candat, acting as Agents)

Re:

Application for stay of execution of Commission Implementing Regulation (EU) No 689/2013 of 18 July 2013 fixing the export refunds on poultrymeat (OJ 2013 L 196, p. 13).

Operative part of the order

1. *The application for interim measures is rejected.*

2. *The costs are reserved.*

Action brought on 30 July 2013 — Al Assad v Council

(Case T-407/13)

(2013/C 344/101)

Language of the case: French

Parties

Applicant: Bouchra Al Assad (Damascus, Syria) (represented by: G. Karouni and C. Dumont, lawyers)

Defendant: Council of the European Union

Form of order sought

— Annul:

— Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria in so far as it concerns Ms Bouchra (known as Bushra) Al Assad;

— Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, corrected on 9 May 2013 in so far as it concerns Ms Bouchra (known as Bushra) Al Assad;

— order the Council of the European Union to pay the costs in accordance with Articles 87 and 91 of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law which are essentially identical or similar to the first, second, third, fifth, sixth and seventh pleas in law relied on in Case T-383/11 *Makhlouf v Council*. (¹)

(¹) OJ 2011 C 282, p.30.

Action brought on 30 July 2013 — Mayaleh v Council

(Case T-408/13)

(2013/C 344/102)

Language of the case: French

Parties

Applicant: Adib Mayaleh (Damascus, Syria) (represented by: G. Karouni and C. Dumont, lawyers)

Defendant: Council of the European Union

Form of order sought

— Annul:

— Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria in so far as it concerns Mr Adib Mayaleh;

— Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, corrected on 9 May 2013 in so far as it concerns Mr Adib Mayaleh;

order the Council of the European Union to pay the costs in accordance with Articles 87 and 91 of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law which are essentially identical or similar to the first, second, third, fifth, sixth and seventh pleas in law relied on in Case T-383/11 *Makhlouf v Council*.⁽¹⁾

⁽¹⁾ OJ 2011 C 282, p.30.

Action brought on 19 August 2013 — Métropole Gestion v OHIM — Metropol (METROPOL)

(Case T-431/13)

(2013/C 344/103)

Language in which the application was lodged: French

Parties

Applicant: Métropole Gestion (Paris, France) (represented by: M.-A. Roux Steinkühler, lawyer)

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

Other party to the proceedings before the Board of Appeal: Metropol Investment Financial Company Ltd (Moscow, Russia)

Form of order sought

- Declare the action admissible and well-founded, and, as a consequence;
- Annul in part the contested decision, in that it refused to declare the invalidity of the Community trade mark at issue based on the marks Nos 02 3 167 081, No 02 3 167 084 and No 794 040, and the other unregistered signs;
- Uphold the contested decision, in that it declared the invalidity in part of mark No 3 590 981 on the basis of the earlier mark No 02 3 143 685;
- Order OHIM to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Word mark 'METROPOL' for the goods and services in Classes 9, 35, 36 and 42 — Community trade mark No 3 590 981

Proprietor of the Community trade mark: Metropol Investment Financial Company Ltd

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

Grounds for the application for a declaration of invalidity: National word mark 'METROPOLE' and national and international figurative marks 'METROPOLE gestion' for the services in Class 36

Decision of the Cancellation Division: The application is rejected in part

Decision of the Board of Appeal: Dismissal of the appeal

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

Action brought on 12 August 2013 — 'Millano' Krzysztof Kotas v OHIM (shape of boxes of chocolates)

(Case T-440/13)

(2013/C 344/104)

Language of the case: Polish

Parties

Applicant: Zakład Wyrobów Cukierniczych 'Millano' Krzysztof Kotas (Przeźmierowo, Poland) (represented by: B. Kański, lawyer)

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

Form of order sought

The applicant claims that the Court should:

- set aside the decision of the Second Board of Appeal of 22 May 2013 in Case R 755/2012-2.

Pleas in law and main arguments

Community trade mark concerned: the three-dimensional trade mark in the shape of boxes of chocolates for goods in Class 30 — application no 10 359 602

Decision of the Examiner: application for registration refused

Decision of the Board of Appeal: appeal dismissed

Pleas in law: breach of Article 7(1)(b) of Council Regulation (EC) No 207/2009 of 26 February 2009

Action brought on 3 September 2013 — G-Star Raw v OHIM — PepsiCo (PEPSI RAW)

(Case T-473/13)

(2013/C 344/105)

Language in which the application was lodged: English

Parties

Applicant: G-Star Raw CV (Amsterdam, Netherlands) (represented by: J. van Manen, M. van de Braak and L. Fresco, lawyers)