

— The applicants claim that an error as to the facts, a manifest error of assessment and a breach of the principle of proportionality were committed because not all the relevant facts were given due consideration, nor was the evidence provided by COMPANHIA PREVIDENTE adequately examined during the procedure to revise the fine on the ground of inability to pay, pursuant to paragraph 35 of the Guidelines, and the fine, which is beyond the current financial resources of the COMPANHIA PREVIDENTE group, was maintained.

In addition, pursuant to Article 261 TFEU, the applicants request a reduction, on the ground of inability to pay, of the fine imposed on SOCITREL, for which COMPANHIA PREVIDENTE is jointly and severally liable.

(<sup>1</sup>) OJ 2006, C 210, p. 2.

**Action brought on 20 August 2013 — Fard and Sarkandi v Council**

(Case T-439/13)

(2013/C 367/54)

*Language of the case: English*

**Parties**

*Applicants:* Mohammad Moghaddami Fard (Tehran, Iran); and Ahmad Sarkandi (United Arab Emirates) (represented by: M. Taher, Solicitor, M. Lester, Barrister, and S. Kentridge, QC)

*Defendant:* Council of the European Union

**Form of order sought**

The applicants claim that the Court should:

- Annul Council Decision 2013/270/CFSP of 6 June 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ L 156, p.10) and Council Implementing Regulation (EU) No 522/2013 of 6 June 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ L 156, p.3);
- Order that the Council pays the applicants' 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 Council erred manifestly in its assessment that any of the listing criteria has been fulfilled as regards either of the applicants, and that there is no valid legal basis for the applicants' designation.

2. Second plea in law, alleging that the Council has purported to impose a travel ban on the applicants without a proper legal basis.
3. Third plea in law, alleging that the Council has failed to give adequate or sufficient reasons for including the applicants in the contested measures.
4. Fourth plea in law, alleging that the Council has failed to safeguard the applicants' rights of defence and to effective judicial review,
5. Fifth plea in law, alleging that the Council's decision to designate the applicants has infringed, without justification or proportion, the applicants' fundamental rights, including their right to protection of their property, family life, business, and reputation.

**Appeal brought on 20 September 2013 by AN against the judgment of the Civil Service Tribunal of 11 July 2013 in Case F-111/10 AN v Commission**

(Case T-512/13 P)

(2013/C 367/55)

*Language of the case: French*

**Parties**

*Appellant:* AN (Brussels, Belgium) (represented by: É. Boigelot and R. Murru, avocats)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

The appellant claims that the Court should:

- set aside the judgment of the Civil Service Tribunal (Second Chamber) of 11 July 2013 in Case F-111/10 AN v Commission;
- refer the case back to the Civil Service Tribunal;
- order the defendant to pay all of the costs at first instance and at appeal.

**Pleas in law and main arguments**

In support of the appeal, the appellant relies on two pleas in law.

1. First plea in law, alleging infringement of the obligation to state reasons when the Civil Service Tribunal examined the plea submitted at first instance relating to the unlawfulness of the inquiry directed against the appellant, since the statement of reasons put forward by the Civil Service Tribunal in paragraphs 95 and 96 of the judgment under appeal is erroneous or at the very least inadequate and incomplete.

2. Second plea in law, alleging distortion by the Civil Service Tribunal of the facts and evidence both when the Civil Service Tribunal held that the appellant enjoyed the protection provided for in paragraph 3 of Article 22a of the Staff Regulations of Officials of the European Union and when the Civil Service Tribunal held that the appellant had not put forward any evidence that the administrative inquiry directed against it was initiated by way of retaliation (concerning paragraphs 87, 88 and 94 of the judgment under appeal).

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**Action brought on 30. September 2013 — Kenzo/OHIM — Tsujimoto (KENZO ESTATE)**

(Case T-528/13)

(2013/C 367/56)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Kenzo (Paris, France) (represented by: P. Roncaglia, G. Lazzeretti, F. Rossi and N. Parrotta, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Kenzo Tsujimoto (Osaka, Japan)

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision in so far as it accepted International registration No. 1016724 designating the European Union for the mark ‘Kenzo Estate’ for: ‘Olive oil (for food); grape seed oil (for food); edible oils and fats; raisins; processed vegetables and fruits; frozen vegetables; frozen fruits; raw pulses; processed meat products; processed seafood’ in class 29; ‘Confectionery, bread and buns; wine vinegar; olive dressing; seasonings (other than spices); spices; sandwiches; pizzas; hot dogs (sandwiches); meat pies; ravioli’ in class 30; and ‘Grapes (fresh); olives (fresh); fruits (fresh); vegetables (fresh); seeds and bulbs’ in class 31;
- order OHIM to pay the costs incurred by the applicant during these proceedings;
- order Kenzo Tsujimoto to pay the costs incurred by the applicant in the proceedings.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The other party to the proceedings before the Board of Appeal

*Community trade mark concerned:* The word mark ‘KENZO ESTATE’ for goods and services in classes 29, 30, 31, 35, 41 and 43 — International Registration No W 1 016 724

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

*Mark or sign cited in opposition:* Community trade mark ‘KENZO’ for goods in classes 3, 18 and 25

*Decision of the Opposition Division:* Rejected the opposition

*Decision of the Board of Appeal:* Dismissed the appeal in part

*Pleas in law:* Infringement of Article 8(5) of Council Regulation No 207/2009.

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**Action brought on 7 October 2013 — Vakoma v OHIM — VACOM (VAKOMA)**

(Case T-535/13)

(2013/C 367/57)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Vakoma GmbH (Magdeburg, Germany) (represented by: P. Kazzer, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* VACOM Vakuum Komponenten & Messtechnik GmbH (Jena, Germany)

**Form of order sought**

The applicant claims that the Court should:

- Reject opposition No B1 833 915 as unfounded by annulling the decision of the First Board of Appeal of OHIM of 1 August 2013 (Case R 0908/2012-1), which was notified to the applicant on 6 August 2013, and by annulling the decision of the Opposition Division of OHIM of 12 March 2012;
- Order the defendant to pay the costs.