

**Re:**

Application under Article 272 TFEU for an order requiring the Commission to compensate the applicant for the loss which it claims to have suffered following acts of misconduct allegedly committed by the intervention agency in the performance of a contract relating to the transport of beef to Russia in accordance with Commission Regulation (EC) No 111/1999 of 18 January 1999 laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation (OJ 1999 L 14, p. 3), and Commission Regulation (EC) No 1799/1999 of 16 August 1999 on the supply of beef to Russia (OJ 1999 L 217, p. 20).

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Calberson GE to pay the costs;*
3. *Orders the French Republic to bear its own costs.*

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<sup>(1)</sup> OJ C 184, 16.6.2014.

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**Judgment of the General Court of 18 February 2016 — Jannatian v Council**

(Case T-328/14) <sup>(1)</sup>

***(Common foreign and security policy — Restrictive measures adopted against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Admission restriction — Action for annulment — No need to adjudicate — Non-contractual liability — Sufficiently serious breach of a rule of law conferring rights on individuals — Non-material damage)***

(2016/C 111/25)

*Language of the case: English*

**Parties**

*Applicant:* Mahmoud Jannatian (Tehran, Iran) (represented by: I. Smith Monnerville and S. Monnerville, lawyers)

*Defendant:* Council of the European Union (represented by: F. Naert and M. Bishop, acting as Agents)

**Re:**

Action for the annulment of 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), Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413 (OJ 2010 L 281, p. 81), Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 (OJ 2010 L 281, p. 1), and Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1), as well as Council Implementing Regulations (EU) No 350/2012 of 23 April 2012, No 709/2012 of 2 August 2012, No 945/2012 of 15 October 2012, No 1264/2012 of 21 December 2012, No 522/2013 of 6 June 2013, No 1203/2013 of 26 November 2013, and No 397/2014 of 16 April 2014 implementing Regulation (EU) No 267/2012 (OJ 2012 L 110, p. 17, OJ 2012 L 208, p. 2, OJ 2012 L 282, p. 16, OJ 2012 L 356, p. 55, OJ 2013 L 156, p. 3, OJ 2013 L 316, p. 1, and OJ 2014 L 119, p. 1, respectively), in so far as those acts concern the applicant, and a claim for compensation for the damage which he claims to have suffered.

**Operative part of the judgment**

The Court:

1. Rules that there is no need to adjudicate on the action in so far as it seeks the annulment of Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP, Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413, Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007, and Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010, as well as Council Implementing Regulations (EU) No 350/2012 of 23 April 2012, No 709/2012 of 2 August 2012, No 945/2012 of 15 October 2012, No 1264/2012 of 21 December 2012, No 522/2013 of 6 June 2013, No 1203/2013 of 26 November 2013, and No 397/2014 of 16 April 2014 implementing Regulation (EU) No 267/2012;
2. Dismisses the action as to the remainder;
3. Orders Mr Mahmoud Jannatian and the Council of the European Union to bear their own costs.

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<sup>(1)</sup> OJ C 212, 7.7.2014.

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**Judgment of the General Court of 18 February 2016 — Penny-Markt v OHIM — Boquoi Handels (B! O)**

(Case T-364/14) <sup>(1)</sup>

(Community trade mark — Invalidity proceedings — Community figurative mark B! O — Earlier Community word mark bo — Relative ground for refusal — Article 53(1)(a) and Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 111/26)

Language of the case: German

**Parties**

*Applicant:* Penny-Markt GmbH (Cologne, Germany) (represented by: M. Kinkeldey, S. Brandstätter and A. Wagner, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially, A. Pohlmann, subsequently, S. Hanne, and lastly, A. Schiffko, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Boquoi Handels OHG (Straelen, Germany) (represented by: P. Mels, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 21 March 2014 (R 1201/2013-4), relating to invalidity proceedings between Boquoi Handels OHG and Penny-Markt GmbH

**Operative part of the judgment**

The Court:

1. dismisses the action;
2. orders Penny-Markt GmbH to pay the costs.

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<sup>(1)</sup> OJ C 261, 11.8.2014.