

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

Action brought on 28 May 2014 — August Storck v OHIM — Chiquita Brands (Fruitfuls)

(Case T-367/14)

(2014/C 261/57)

Language in which the application was lodged: English

Parties

Applicant: August Storck KG (Berlin, Germany) (represented by: I. Rohr, A.-C. Richter, P. Goldenbaum and T. Melchert, lawyers)

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

Other party to the proceedings before the Board of Appeal: Chiquita Brands LLC (Charlotte, United States)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 March 2014 in Case R 1580/2013-5;
- Order the defendant to pay its own costs and those of the applicant, and, should Chiquita Brands LLC intervene in the proceedings, order Chiquita Brands LLC to pay its own costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which an application for revocation has been made: The word mark 'Fruitfuls' for goods in Class 30 — Community trade mark registration No 5 014 519

Proprietor of the Community trade mark: The applicant

Party applying for revocation of the Community trade mark: Chiquita Brands LLC

Decision of the Cancellation Division: The trade mark was revoked

Decision of the Board of Appeal: The appeal was dismissed

Pleas in law: Infringement of Article 51(1)(a) of Regulation No 207/2009.

Action brought on 23 May 2014 — Petropars and Others v Council

(Case T-370/14)

(2014/C 261/58)

Language of the case: English

Parties

Applicants: Petropars Ltd (Teheran, Iran); Petropars International FZE (Dubai, United Arab Emirates); and Petropars UK Ltd (London, United Kingdom) (represented by: S. Zaiwalla, P. Reddy and Z. Burbeza, Solicitors, and R. Blakeley, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicants claim that the Court should:

- annul the March 2014 Decision;
- annul the March 2014 Notice insofar as it applies to the applicants; and
- order the Council to pay the applicants' costs of this application.

Pleas in law and main arguments

In support of the action, the applicants rely on four pleas in law.

1. First plea in law, alleging that the criteria for listing set out in Article 23(2)(d) of Regulation No 267/2012 ⁽¹⁾ or Article 20(1)(c) of Decision 2010/413 ⁽²⁾ are not satisfied and that the Council committed a manifest error of assessment in determining that the criteria were met and remain met because the applicants are not owned or controlled by the National Iranian Oil Company (NIOC).
2. Second plea in law, alleging that the criteria for listing are not met because the Council has not proved that NIOC financially supports the Iranian government.
3. Third plea in law, alleging that the maintenance of the designation of the applicants is in any event in violation of their fundamental rights and freedoms, including their right to trade and to carry out their businesses and to peaceful enjoyment of their possessions and/or is in violation of the principle of proportionality. The applicants further allege that the continued listing represents a breach of the precautionary principle and of the principles of environmental protection and the protection of human health and safety, as it is likely to cause significant damage to the health and safety of ordinary Iranian workers and the environment.
4. Fourth plea in law, alleging that the Council breached the applicants' rights of defence by failing to conduct a full and adequate review of the applicants' designation and properly to consider the observations presented to it.

⁽¹⁾ 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).

⁽²⁾ 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).

Action brought on 26 May 2014 — NICO v Council

(Case T-371/14)

(2014/C 261/59)

Language of the case: English

Parties

Applicant: Naftiran Intertrade Co. (NICO) Sàrl (Pully, Switzerland) (represented by: J. Grayston, Solicitor, P. Gjørtler, G. Pandey and D. Rovetta, lawyers)

Defendant: Council of the European Union