

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 March 2014 given in Case R 540/2013-2;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: Three-dimensional mark representing a shape of a bottle for goods in Classes 6, 21, 32 — Community trade mark application No 10 532 687

Decision of the Examiner: Found the trade mark not eligible for registration in respect of a part of the goods applied for

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(b) CTMR .

Action brought on 25 May 2014 — Sina Bank v Council

(Case T-418/14)

(2014/C 282/53)

Language of the case: English

Parties

Applicant: Sina Bank (Tehran, Iran) (represented by: B. Mettetal and C. Wucher-North, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council's decision after review contained in the Notice of 15 March 2014 for the attention of the persons and entities subject to the restrictive measures provided for in Council Decision 2010/413/CFSP⁽¹⁾ and in Council Regulation (EU) No 267/2012⁽²⁾ concerning restrictive measures against Iran (OJ C 77, p. 1), which states that Council decision 2010/413/CFSP and Council Regulation (EU) No 267/2012 continue to affect directly the applicant;
- Annul annex IX Point I.B.8 to Council Regulation (EU) No 267/2012 as it continues to affect directly the applicant as stated in the Notice of 15 March 2014;
- Order the Council to pay, in addition to its own costs, those incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Council decision after review contained in the Notice of 15 March 2014 has breached the procedural requirements to give adequate reasons and to respect the rights of defence and the right to effective judicial protection.

2. Second plea in law, alleging that the Bank is not linked to the interest of the 'Daftar' and does not contribute to the financing of the state's so called strategic interests nor its nuclear program. Accordingly, the substantive criteria for designation under the challenged acts are not met in respect of the Bank and/or the Council committed a manifest error of assessment in determining whether or not those criteria were met. The Council also failed to apply the correct test.

⁽¹⁾ Council Decision of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, p. 39)

⁽²⁾ Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ L 88, p. 1)

Action brought on 12 June 2014 — The Goldman Sachs Group v Commission

(Case T-419/14)

(2014/C 282/54)

Language of the case: English

Parties

Applicant: The Goldman Sachs Group, Inc (New York, United States of America) (represented by: W. Deselaers, J. Koponen and A. Mangiaracina, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul, in whole or in part, Articles 1, 2, 3 and 4 of the Commission's Decision C(2014) 2139 final of 2 April 2014 in case AT.39610 — Power Cables, in so far as they concern the applicant; and/or
- Reduce the fine imposed on the applicant by Article 2 of the Decision;
- Order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the contested decision infringes Article 101 TFEU and Article 23(2) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty ⁽¹⁾ in holding GS Group jointly and severally liable for the infringement allegedly committed by Prysmian.
2. Second plea in law, alleging that the contested decision infringes Article 2 of Council Regulation (EC) No 1/2003 and Article 296 TFEU in that it fails to demonstrate to the requisite legal standard that GS Group actually exercised decisive influence over Prysmian over the relevant period.
3. Third plea in law, alleging that the contested decision infringes Article 101 TFEU and Article 23(2) of Council Regulation (EC) No 1/2003, as it violates the principle of personal liability and the presumption of innocence.
4. Fourth plea in law, alleging that the contested decision infringes Article 101 TFEU and Article 23(2) of Council Regulation No 1/2003 as it violates the principles of legal certainty and that the penalty must be specific to the offender, in that the Commission did not allocate the fine.
5. Fifth plea in law, alleging that the Commission has violated the applicant's rights of defence (breach of an essential procedural requirement), in that the Commission failed to give access to essential documents in due time.