

Details of the proceedings before OHIM

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community word mark 'PICCOLOMINI' — Application for registration No 10 564 573

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 31 October 2014 in Case R 2265/2013-1

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision;
- Order OHIM and the third party to bear the costs of proceedings including the costs of the Applicant.

Plea in law

- Infringement of Article 42(2) of Regulation No 207/2009.

Action brought on 19 January 2015 — NICO v Council

(Case T-24/15)

(2015/C 089/42)

Language of the case: English

Parties

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

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision 2014/776/CFSP of 7 November 2014, amending Decision 2010/413/CFSP concerning restrictive measures against Iran ⁽¹⁾, and Council Implementing Regulation (EU) No 1202/2014 of 7 November 2012, implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran ⁽²⁾, in so far as these acts include the applicant in the category of persons and entities made subject to the restrictive measures;
- order the Council to bear the costs of the present proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law: violation of the right of hearing, insufficient statement of grounds, violation of the right of defence, manifest error of assessment, and breach of fundamental right to property.

The applicant finds that the Council failed to perform a hearing of the applicant, and that no contrary indications would justify this, especially in relation to the imposition on current contractual engagements. Furthermore, the Council failed to supply a sufficient statement of reasons. By these omissions, the Council violated the right of defence of the applicant, including the right to effective judicial protection. Contrary to the claim of the Council, the applicant is not a subsidiary of NICO Ltd as designated by the Council, as this company no longer exists in Jersey and does not exist in Iran; and in any case the Council has not substantiated that even if it were a subsidiary, this would entail an economic benefit for the Iranian State that would be contrary to the aim of the contested acts. Finally, by imposing on the property rights and current contractual engagements managed by the applicant, the Council has violated the basic right of property by taking measures for which the proportionality cannot be ascertained.

⁽¹⁾ OJ L 325, p. 19.

⁽²⁾ OJ L 325, p. 3.

Action brought on 20 January 2015 — Infinite Cycle Works v OHIM — Chance Good Ent. (INFINITY)

(Case T-30/15)

(2015/C 089/43)

Language in which the application was lodged: English

Parties

Applicant: Infinite Cycle Works Ltd (Delta, British Columbia, Canada) (represented by: E. Manresa Medina and J. Manresa Medina, lawyers)

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

Other party to the proceedings before the Board of Appeal: Chance Good Ent. Co., Ltd (Changhua, Taiwan)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community word mark 'INFINITY' — Application for registration No 10 835 478

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of OHIM of 30 October 2014 in Case R 2308/2013-2

Form of order sought

The applicant claims that the Court should:

— Annul the contested decision and grant the trademark applied for;

— Order OHIM and possible co-defendants to pay the costs.