

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

Details of the proceedings before OHIM

Trade mark at issue: Community work mark 'BIMBO' — Application for registration No 11 616 414

Contested decision: Decision of the Second Board of Appeal of OHIM of 19 November 2014 in Case R 251/2014-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision, declaring in its judgment the sufficient distinctiveness, whether inherent or acquired by use, of the mark applied for, upholding the present action and ordering the registration of Community trade mark application No 11 616 414 'BIMBO' in Class 30 of the International Classification; and
- order the party opposing that claim to pay the costs of the proceedings and to reimburse the appeal fees paid to OHIM.

Pleas in law

- Infringement of Article 7(1)(b) and (c), (2) and (3) of Regulation No 207/2009.

Action brought on 22 January 2015 — Wolf Oil v OHIM — SCT Lubricants (CHEMPIOIL)

(Case T-34/15)

(2015/C 089/46)

Language in which the application was lodged: English

Parties

Applicant: Wolf Oil Corp. (Hemiksem, Belgium) (represented by: P. Maeyaert and J. Muyldermans, lawyers)

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

Other party to the proceedings before the Board of Appeal: UAB SCT Lubricants (Klaipeda, Lithuania)

Details of the proceedings before OHIM

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

Trade mark at issue: International registration designating the European Union in respect of the mark 'CHEMPIOIL' — International registration designating the European Union No 1 076 327

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 31 October 2014 in Case R 1596/2013-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and the intervener to bear its own costs and to pay those incurred by Wolf Oil.

Pleas in law

- Infringement of Articles 8(1)(b), 75 and 76(1) of Regulation No 207/2009.

Action brought on 14 January 2015 — Alkarim for Trade and Industry v Council**(Case T-35/15)**

(2015/C 089/47)

*Language of the case: French***Parties**

Applicant: Alkarim for Trade and Industry LLC (Tal Kurdi, Syria) (represented by: J.-P. Buyle and L. Cloquet)

Defendant: Council of the European Union

Form of order sought

- annul Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, as regards the applicant;
- annul Council Implementing Decision 2014/730/CFSP of 20 October 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, as regards the applicant;
- order the Council to pay all the costs and expenses of the proceedings, including those incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the rights of the defence and of the right to a fair hearing, since it was not possible for the applicant to be heard prior to the adoption of the sanctions.
2. Second plea in law, alleging a manifest error in assessment of the facts.
3. Third plea in law, alleging infringement of the principle of proportionality.
4. Fourth plea in law, alleging a disproportionate infringement of the right to property and the right to engage in an occupation.