— annul the Council Decision contained in the letter of 26 June 2015, addressed to the lawyers of the applicant, concerning review of the list of designated persons and entities in Annex II to Decision 2010/413/CFSP and Annex IX to Regulation (EU) No 267/2012, in so far as this decision constitutes a refusal to remove the applicant from the list of persons and entities made subject to the restrictive measures,

— order the Council to bear the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging an insufficient statement of reasons

— The decision of 26 June 2015 (the 'contested review decision') also served as the letter of notification for the Council Decision (CFSP) 2015/1008 and the Council Implementing Regulation (EU) 2015/1001 (the 'contested acts'), but no statement of reasons is given in the letter for the adoption of the contested acts. Besides, the statement of reasons provided by the Council does not meet the standard defined by the case-law.

2. Second plea in law, alleging a manifest error of assessment

— Although owned by NIOC, the applicant constitutes a separate legal entity that is established in Hong Kong and is active in the separate market of Asia that is far removed from any alleged control exercised by NIOC over the activities of the applicant.

3. Third plea in law, alleging a violation of the rights of defence

— By allowing a single unidentified Member State in effect to direct the Council to take a decision without examination of any relevant documents or evidence in support, the Council has unilaterally introduced a new decision making procedure that has no legal basis in Article 215 TFEU or elsewhere in the Treaties. This way of proceeding disrupts the balance between the investigating and decision making powers of the Council and the right of judicial protection of the applicant.

4. Fourth plea in law, alleging a breach of fundamental right to property

— The Council has not in any substantial manner provided reasons for the restrictions imposed on the applicant. The listing of the applicant, a Hong Kong based company active in the Asian market, cannot in any way contribute to the maintenance of international peace and security, and the Council can provide no evidence to the contrary.

Action brought on 8 September 2015 — Intesa Sanpaolo v OHIM (START UP INITIATIVE)

(Case T-529/15)

(2015/C 371/38)

Language of the case: Italian

Parties

Applicant: Intesa Sanpaolo SpA (Turin (TO), Italy) (represented by: P. Pozzi and F. Braga, lawyers)

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

Details of the proceedings before OHIM

Trade mark at issue: Community figurative mark containing the word elements 'START UP INITIATIVE' — Application for registration No 13 011 838

Contested decision: Decision of the First Board of Appeal of OHIM of 29 June 2015 in Case R 2777/2014-1

Form of order sought

The applicant claims that the Court should:

— declare that there was a breach and incorrect application of Article 7(1)(b) and (2) of Regulation No 207/2009;

— declare that there was a breach of Article 75 of Regulation No 207/2009;

— annul the contested decision;

— order OHIM to pay the costs and fees incurred for the present proceedings.

Pleas in law

— Infringement of Article 7(1)(b) and (2) of Regulation No 207/2009;

— Infringement of Article 75 of Regulation No 207/2009.

Action brought on 16 September 2015 — LG Electronics v OHIM — Cyrus Wellness Consulting (Viewty GT)

(Case T-534/15)

(2015/C 371/39)

Language in which the application was lodged: English

Parties

Applicant: LG Electronics, Inc. (Seoul, Republic of Korea) (represented by: M. Graf, lawyer)

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

Other party to the proceedings before the Board of Appeal: Cyrus Wellness Consulting GmbH (Berlin, Germany)