

**Judgment of the General Court of 12 February 2020 — Mende Omalanga v Council**(Case T-176/18) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures taken in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Renewal of the listing of the applicant's name on the list of persons concerned — Obligation to state reasons — Rights of the defence — Obligation for the Council to communicate the new elements justifying the renewal of the restrictive measures — Error of law — Manifest error of assessment — Right to property — Right to respect for private and family life — Proportionality — Presumption of innocence — Plea of illegality — Modification of the forms of order sought)*

(2020/C 103/37)

Language of the case: French

**Parties**

*Applicant:* Lambert Mende Omalanga (Kinshasa, Democratic Republic of the Congo) (represented by: T. Bontinck, P. De Wolf, M. Forgeois and A. Guillerme, lawyers)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, S. Lejeune and H. Marcos Fraile, acting as Agents)

**Re:**

Action based on Article 263 TFEU seeking the annulment of Council Decision (CFSP) 2017/2282 of 11 December 2017 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2017 L 328, p. 19), of Council Implementing Decision (CFSP) 2018/569 of 12 April 2018 implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2018 L 95, p. 21), and of Council Implementing Regulation (EU) 2018/566 of 12 April 2018 implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ 2018 L 95, p. 9), in so far as those acts concern the applicant.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Mr Lambert Mende Omalanga to pay the costs.

<sup>(1)</sup> OJ C 161, 7.5.2018.

**Judgment of the General Court of 12 February 2020 — Kazembe Musonda v Council**(Case T-177/18) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures taken in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Renewal of the listing of the applicant's name on the list of persons concerned — Obligation to state reasons — Rights of the defence — Obligation for the Council to communicate the new elements justifying the renewal of the restrictive measures — Error of law — Manifest error of assessment — Proportionality — Article 76(d) of the Rules of Procedure — Plea of illegality)*

(2020/C 103/38)

Language of the case: French

**Parties**

*Applicant:* Jean-Claude Kazembe Musonda (Lubumbashi, Democratic Republic of the Congo) (represented by: T. Bontinck, P. De Wolf, M. Forgeois and A. Guillerme, lawyers)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, S. Lejeune and H. Marcos Fraile, acting as Agents)

**Re:**

Application based on Article 263 TFEU seeking annulment of Council Decision (CFSP) 2017/2282 of 11 December 2017 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2017 L 328, p. 19), in so far as it concerns the applicant.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Mr Jean-Claude Kazembe Musonda to pay the costs.

---

<sup>(1)</sup> OJ C 161, 7.5.2018.

---

**Judgment of the General Court of 13 February 2020 — Delta-Sport v EUIPO — Delta Enterprise (DELTA SPORT)**

(Case T-387/18) <sup>(1)</sup>

*(EU trade mark — Opposition proceedings — Application for EU figurative mark DELTA SPORT — Earlier Spanish word mark COLCHON DELTA — Earlier EU figurative mark DELTA — Relative ground for refusal — Similarity of the goods — Similarity of the signs — Likelihood of confusion — Article 8(1) (b) of Regulation (EU) 2017/1001)*

(2020/C 103/39)

*Language of the case: English*

**Parties**

*Applicant:* Delta-Sport Handelskontor GmbH (Hamburg, Germany) (represented by: M. Krogmann, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: J. Ivanauskas and H. O'Neill, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Delta Enterprise Corp. (New York, New York, United States) (represented by: M. Decker, lawyer)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 17 April 2018 (Case R 1894/2017-5) relating to opposition proceedings between Delta Enterprise and Delta-Sport Handelskontor.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Delta-Sport Handelskontor GmbH to pay the costs incurred by EUIPO and Delta Enterprise Corp. in the present proceedings.

---

<sup>(1)</sup> OJ C 285, 13.8.2018.