

Judgment of the General Court of 23 May 2019 — Arçelik v EUIPO (MicroGarden)(Case T-364/18) ⁽¹⁾**(EU trade mark — Application for the EU word mark MicroGarden — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EU) 2017/1001)**

(2019/C 238/22)

Language of the case: English

Parties*Applicant:* Arçelik AS (Istanbul, Turkey) (represented by: A. Franke and E. Flach, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: E. Sliwinska, S. Palmero Cabezas and H. O'Neill, acting as Agents)**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 4 April 2018 (Case R 163/2018-2), relating to an application for registration of the word sign MicroGarden as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Arçelik AS to pay the costs.*

⁽¹⁾ OJ C 268, 30.7.2018.

Judgment of the General Court of 23 May 2019 — Sintokogio v EUIPO (ProAssist)(Case T-439/18) ⁽¹⁾**(EU trade mark — International registration designating the European Union — Word mark ProAssist — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001 — Article 94 of Regulation 2017/1001 — Equal treatment)**

(2019/C 238/23)

Language of the case: English

Parties*Applicant:* Sintokogio Ltd (Nagoya, Japan) (represented initially by: V. Dalichau, S. Kirschstein-Freund and B. Breitingger, lawyers, and subsequently by S. Kirschstein-Freund and B. Breitingger, lawyers)

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas and H. O'Neill, acting as Agents)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 3 May 2018 (Case R 2341/2017-2), relating to the international registration designating the European Union in respect of the word mark ProAssist.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Sintokogio Ltd to pay the costs.*

(¹) OJ C 328, 17.9.2018.

Action brought on 15 April 2019 — Al Zoubi v Council

(Case T-257/19)

(2019/C 238/24)

Language of the case: English

Parties

Applicant: Khaldoun Al Zoubi (Damascus, Syria) (represented by: L. Cloquet, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision (CFSP) 2019/87 of 21 January 2019 (¹), as far as it applies to the applicant;
- annul Council Implementing Regulation (EU) 2019/85 of 21 January 2019 (²), as far as it applies to the applicant; and
- order the defendant to pay the costs.

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 a manifest error of assessment of the facts was committed by the defendant stating that the applicant would be supporting the Syrian regime and would be benefiting from it, while such view would be plainly unfounded.