

*Defendant:* Council of the European Union

### **Form of order sought**

The applicant claims that the General Court should:

- annul Article 1 of Council Decision 2014/222/CFSP of 16 April 2014, in so far as it refers to the applicant, and remove the applicant's name from the annex thereto;
- annul Article 1 of Council Implementing Regulation (EU) No 397/2014 of 16 April 2014, in so far as it refers to the applicant, and remove the applicant's name from the annex thereto; and
- order the Council to pay the costs.

### **Pleas in law and main arguments**

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

1. First plea in law: a manifest error in the assessment of the facts on which the contested measures are based, in that they lack any factual or evidential basis.
2. Second plea in law: breach of the obligation to state reasons, since the reasons stated for the contested measures, as regards the applicant, lack any real basis and are imprecise, unspecific and generic, making it impossible for the applicant adequately to prepare its defence.
3. Third plea in law: infringement of the right to effective judicial protection as regards the reasons stated for the measures, the lack of evidence for the reasons stated and the rights of defence and of property, since the requirements to state reasons and to provide actual evidence were not met, which affects the other rights.
4. Fourth plea in law: misuse of power, since there is objective, specific and consistent evidence that, in adopting the penalties, the Council pursued aims different from those it claimed to pursue, thus misusing its power in a fraudulent manner.
5. Fifth plea in law: misinterpretation of the legal rules intended to be applied, in that they are interpreted and applied in an incorrect and extensive manner, which is inadmissible in relation to penalties.
6. Sixth plea in law: infringement of the right to property, in that the applicant's right to property was limited without any real justification and without respecting the principle of proportionality.
7. Seventh plea in law: breach of the principle of equal treatment, since the applicant's competitive position was damaged, without there being any justification for such treatment.

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**Action brought on 18 April 2014 — Antica Azienda Agricola Vitivinicola Dei Conti Leone De Castris  
v OHIM — Vicente Gandía Pla (ILLIRIA)**

**(Case T-541/14)**

(2014/C 303/67)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* Antica Azienda Agricola Vitivinicola Dei Conti Leone De Castris Srl (Salice Salentino, Italy) (represented by: D. Russo, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Vicente Gandía Pla SA (Chiva, Spain)

### **Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 21 May 2014 given in Case R 917/2013-4;
- Award the applicant the costs of proceedings.

### **Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The figurative mark containing the verbal elements 'ILLIRIA' for 'wines' in Class 33 — Community trade mark application No 10 599 033

*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal

*Mark or sign cited in opposition:* Community trade mark registration No. 8 299 653

*Decision of the Opposition Division:* Rejected the opposition

*Decision of the Board of Appeal:* annulled the contested decision and upheld the opposition

*Pleas in law:* Infringement of Article 8(1)(b) CTMR.

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**Order of the General Court of 12 June 2014 — Makhoul and Others v Council**  
**(Joined Cases T-432/11, T-490/11, T-649/11, T-651/11, T-97/12, T-99/12 to T-102/12 and T-446/12) <sup>(1)</sup>**  
(2014/C 303/68)  
*Language of the case: French*

The President of the Seventh Chamber has ordered that the joined cases be removed from the register.

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<sup>(1)</sup> OJ C 290, 1.10.2011.

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