Decision of the Opposition Division:	Rejection of the opposition
Decision of the Board of Appeal:	Rejection of the appeal

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs incurred by the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM);

3. Orders the intervener to bear its own costs.

Judgment of the Court of First Instance (Second Chamber) of 12 July 2006 — Hassan v Council and Commission

(Case T-49/04)

Common foreign and security policy — Restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban — Freezing of funds — Fundamental rights — Jus cogens — Review by the Court — Action for annulment and damages

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them (Art. 230, fourth para., EC; Council Regulation No 881/2002, as amended by Regulation No 2049/2003) (see paras 53-58)*

2. *Public international law — United Nations Charter — Decisions of the Security Council (see para. 92)*

3. *European Communities — Judicial review of the legality of the acts of the institutions (Council Regulation No 881/2002) (see para. 92)*

4. *European Communities — Judicial review of the legality of the acts of the institutions (Council Regulation No 881/2002, as amended by Regulation No 561/2003; Commission Regulation No 2049/2003) (see paras 92, 96, 99)*

5. *European Communities — Judicial review of the legality of the acts of the institutions (Council Regulation No 881/2002, as amended by Regulation No 2049/2003) (see para. 92)*

6. *Actions for annulment — Community act implementing resolutions of the United Nations Security Council — Regulation No 881/2002 (Art. 230 EC; Council Regulation No 881/2002) (see para. 92)*

7. *European Communities — Act implementing resolutions of the United Nations Security Council — Regulation No 881/2002 (Art. 6 EU; Council Regulation No 881/2002) (see paras 115-120, 122)*

8. *European Communities — Judicial review of the legality of the acts of the institutions — Act implementing resolutions of the United Nations Security Council — Regulations Nos 881/2002 and 2049/2003 (Council Regulation No 881/2002; Commission Regulation No 2049/2003) (see paras 126-128)*

9. *Procedure — Application initiating proceedings — Formal requirements (Statute of the Court of Justice, Art. 21; Rules of Procedure of the Court of First Instance, Art. 44(1)(c)) (see paras 139, 140)*

Re:

APPLICATION, first, for the annulment of Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (OJ 2002 L 139, p. 9), as amended by Commission Regulation (EC) No 2049/2003 of 20 November 2003 amending Regulation No 881/2002 for the 25th time (OJ 2003 L 303, p. 20), and, second, for damages.

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 12 July 2006 — Rossi v OHIM — Marcorossi (MARCOROSSI)

(Case T-97/05)

Community trade mark — Opposition proceedings — Application for Community word mark MARCOROSSI — Earlier national and international word marks MISS ROSSI — Earlier Community word mark SERGIO ROSSI — Relative ground for refusal — Likelihood of confusion

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 46, 47, 51)