

*Intervener in support of the applicant:* Hellenic Republic (represented by: P. Mylonopoulos and K. Boskovits, Agents)

*Defendant:* European Commission (represented by: T. Christoforou, Agent, and A. Oikonomou, lawyer)

*Interveners in support of the defendant:* Elpedison Paragogi Ilektrikis Energeias AE (Elpedison Energeiaki), formerly Energeiaki Thessalonikis AE (Marousi, Greece) and Elliniki Energeia kai Anaptyxi AE (HE & D SA) (Kifisia, Greece) (represented by: P. Skouris and E. Trova, lawyers) and Mytilinaios AE (Athens), Protergia AE (Athens) et Alouminion tis Ellados VEAE, formerly Alouminion AE (Athens) (represented by: N. Korogiannakis, I. Zarzoura, D. Diakopoulos and E. Chrisafis, lawyers)

**Re:**

Application based on Article 263 TFEU and seeking the annulment of Commission decision C(2008) 824 final of 5 March 2008 on the granting or maintaining in force by the Hellenic Republic of rights in favour of DEI for the extraction of lignite.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Dimosia Epicheirisi Ilektrismou AE (DEI), in addition to bearing its own costs, to pay those incurred by the European Commission, by Elpedison Paragogi Ilektrikis Energeias AE (Elpedison Energeiaki), by Elliniki Energeia kai Anaptyxi AE (HE & D SA), by Mytilinaios AE, by Protergia AE and by Alouminion tis Ellados VEAE;
3. Declares that the Hellenic Republic is to bear its own costs.

---

<sup>(1)</sup> OJ C 183, 19.7.2008.

---

**Judgment of the General Court of 15 December 2016 — DEI v Commission**

(Case T-421/09 RENV) <sup>(1)</sup>

**(Competition — Abuse of dominant position — Greek market for the supply of lignite and Greek wholesale electricity market — Decision establishing specific measures to correct the anti-competitive effects of an infringement of Article 86(1) EC, in conjunction with Article 82 EC — Article 86(3) EC — Obligation to state reasons — Proportionality — Freedom of contract)**

(2017/C 038/29)

Language of the case: Greek

**Parties**

*Applicant:* Dimosia Epicheirisi Ilektrismou AE (DEI) (Athens, Greece) (represented by: P. Anestis, lawyer)

*Intervener in support of the applicant:* Hellenic Republic (represented by: P. Mylonopoulos and K. Boskovits, Agents)

*Defendant:* European Commission (represented by: T. Christoforou, Agent, and A. Oikonomou, lawyer)

**Re:**

Application based on Article 263 TFEU and seeking the annulment of Commission decision C(2009) 6244 final of 4 August 2009 establishing specific measures to correct the anti-competitive effects of the infringement identified in the Commission Decision of 5 March 2008 on the granting or maintaining in force by the Hellenic Republic of rights in favour of DEI for the extraction of lignite.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Dimosia Epicheirisi Ilektrismou AE (DEI), in addition to bearing its own costs, to pay those incurred by the European Commission;
3. Declares that the Hellenic Republic is to bear its own costs.

---

<sup>(1)</sup> OJ C 11, 16.1.2010.

---

**Judgment of the General Court of 15 December 2016 — Mondelez UK Holdings & Services v  
EUIPO — Société des produits Nestlé (Shape of a chocolate bar)**

(Case T-112/13) <sup>(1)</sup>

*(EU trade mark — Invalidity proceedings — Three-dimensional mark — Shape of a chocolate bar — Absolute ground for refusal — No distinctive character — Distinctive character acquired through use — Article 7(1)(b) and (3) of Regulation (EC) No 207/2009 — Article 52(1) and (2) of Regulation No 207/2009)*

(2017/C 038/30)

Language of the case: English

**Parties**

*Applicant:* Mondelez UK Holdings & Services Ltd, formerly Cadbury Holdings Ltd (Uxbridge, United Kingdom) (represented by: T. Mitcheson QC, P. Walsh, J. Blum, and S. Dunstan, Solicitors, and D. Byrne, Barrister)

*Defendant:* European Union Intellectual Property Office (represented by: A. Folliard-Monguiral, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Société des produits Nestlé SA (Vevey, Switzerland) (represented initially by G. Vos, M. Bakker and J. van den Berg, lawyers, and subsequently by G. Vos, S. Malynicz QC, T. Scourfield and T. Reid, Solicitors)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 11 December 2012 (Case R 513/2011-2), relating to invalidity proceedings between Cadbury Holdings and Société des produits Nestlé.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 11 December 2012 (Case R 513/2011-2);
2. Orders EUIPO to bear its own costs and to pay those incurred by Mondelez UK Holdings & Services Ltd;
3. Orders Société des produits Nestlé SA to bear its own costs.

---

<sup>(1)</sup> OJ C 123, 27.4.2013.