

**Judgment of the General Court of 16 September 2013 —  
CEPSA v Commission**

(Case T-497/07) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Spanish market for penetration bitumen — Annual market-sharing and price-fixing agreements — Translation of the statement of objections — Imputability of the unlawful conduct — Reasonable period — Principle of impartiality — Calculation of the amount of the fine — Res judicata)*

(2013/C 336/29)

Language of the case: Spanish

**Parties**

*Applicant:* Compañía Española de Petróleos (CEPSA), SA (Madrid, Spain) (represented: initially by O. Armengol i Gasull, P. Pérez-Llorca Zamora and Á. Pascual Morcillo, subsequently by O. Armengol i Gasull and J. Rodríguez Cárcamo, lawyers)

*Defendant:* European Commission (represented by: F. Castillo de la Torre, acting as Agent, and initially by J. Rivas Andrés, lawyer, and M. Heenan Bróna, solicitor, subsequently by J. Rivas Andrés and J. Gutiérrez Gisbert, lawyer, and finally by J. Rivas Andrés)

**Re:**

Application for annulment of Commission Decision C(2007) 4441 final of 3 October 2007 relating to a proceeding under Article 81 [EC] (Case COMP-38.710 Bitumen (Spain)), and for reduction in the amount of the fine imposed on the applicant in that decision.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Dismisses the claim of the European Commission regarding the amount of the fine.
3. Orders Compañía Española de Petróleos (CEPSA), SA to pay the costs.

<sup>(1)</sup> OJ C 64, 8.3.2008.

**Judgment of the General Court of 16 September 2013 —  
Müller-Boré & Partner v OHIM — Popp and Others (MBP)**

(Case T-338/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark MBP — Earlier Community word mark ip law@mbp./email — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — National sign used in the course of trade mbp.de — Article 8(4) of Regulation No 40/94 (now Article 8(4) of Regulation 207/2009)*

(2013/C 336/30)

Language of the case: German

**Parties**

*Applicant:* M Müller-Boré & Partner Patentanwälte. Rechtsanwälte (Munich, Germany) (represented by: C. Osterrieth and T. Schmitz, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by S. Schäffner, then A. Pohlmann, Agents)

*Other parties to the proceedings before the Board of Appeal of OHIM:* Eugen Popp (Munich, Germany); Wolf E. Sajda (Munich); Johannes Bohnenberger (Munich); and Volkmar Kruspig (Munich) (represented by: C. Rohnke, M. Jacob and J. Herrlinger, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 23 June 2009 (Case R 1176/2007-4), relating to opposition proceedings between Eugen Popp, Wolf E. Sajda, Johannes Bohnenberger, Volkmar Kruspig and Müller-Boré & Partner Rechtsanwälte. Patentanwälte.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Müller-Boré & Partner Patentanwälte. Rechtsanwälte to pay the costs.

<sup>(1)</sup> OJ C 267, 7.11.2009.