

2. Annuls Article 4 of Commission Decision C(2008) 3435 final, to the extent that it refers to Article 3 of that decision, in so far as it concerns AEPI;
3. Dismisses the remainder of the action;
4. Orders the European Commission to bear its own costs and pay one half of AEPI's costs;
5. Orders AEPI to bear one half of its own costs;
6. Orders the Commission and AEPI to each bear their own costs relating to the interim relief proceedings.

(¹) OJ C 301, 22.11.2008.

**Judgment of the General Court of 12 April 2013 —
Stowarzyszenie Autorów ZAiKS v Commission**

(Case T-398/08) (¹)

(Competition — Agreements, decisions and concerted practices — Copyright relating to public performance of musical works via the internet, satellite and cable retransmission — Decision finding an infringement of Article 81 EC — Sharing of the geographic market — Bilateral agreements between national collecting societies — Concerted practices precluding the possibility of granting multi-territory and multi-repertoire licences — Proof — Presumption of innocence)

(2013/C 156/45)

Language of the case: Polish

Parties

Applicant: Stowarzyszenie Autorów ZAiKS (Warsaw, Poland) (represented by: B. Borkowska and M. Bleszyński, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and K. Mojzesowicz, acting as Agents)

Re:

Application for annulment in part of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC).

Operative part of the judgment

The Court:

1. Annuls Article 3 of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC), in so far as it concerns Stowarzyszenie Autorów ZAiKS;
2. Annuls Article 4(2) and (3) of Commission Decision C(2008) 3435 final, to the extent that they refer to Article 3 of that decision, in so far as they concern Stowarzyszenie Autorów ZAiKS;
3. Dismisses the remainder of the action;

4. Orders the European Commission to pay the costs relating to the main proceedings.
5. Orders Autorów ZAiKS and the Commission to each bear their own costs relating to the interim relief proceedings.

(¹) OJ C 285, 8.11.2008.

**Judgment of the General Court of 12 April 2013 —
Säveltäjän Tekijänoikeustoimisto Teosto v Commission**

(Case T-401/08) (¹)

(Competition — Agreements, decisions and concerted practices — Copyright relating to public performance of musical works via the internet, satellite and cable retransmission — Decision finding an infringement of Article 81 EC — Sharing of the geographic market — Bilateral agreements between national collecting societies — Concerted practices precluding the possibility of granting multi-territory and multi-repertoire licences — Proof — Presumption of innocence)

(2013/C 156/46)

Language of the case: Finnish

Parties

Applicant: Säveltäjän Tekijänoikeustoimisto Teosto ry (Helsinki, Finland) (represented by: H. Pokela, lawyer)

Defendant: European Commission (represented initially by E. Paasivirta, F. Castillo de la Torre and P. Aalto, and subsequently by E. Paasivirta and F. Castillo de la Torre, acting as Agents)

Re:

Application for annulment of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC).

Operative part of the judgment

The Court:

1. Annuls Article 3 of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC), in so far as it concerns Säveltäjän Tekijänoikeustoimisto Teosto ry;
2. Annuls Article 4 of Commission Decision C(2008) 3435 final, to the extent that it refers to Article 3 of that decision, in so far as it concerns Säveltäjän Tekijänoikeustoimisto Teosto;
3. Dismisses the remainder of the action;
4. Orders the European Commission to bear its own costs and pay one half of Säveltäjän Tekijänoikeustoimisto Teosto's costs;

5. Orders Säveltäjän Tekijänoikeustoimisto Teosto to bear one half of its own costs;
6. Orders Säveltäjän Tekijänoikeustoimisto Teosto and the Commission to each bear their own costs relating to the interim relief proceedings.

(¹) OJ C 313, 6.12.2008.

Judgment of the General Court of 12 April 2013 — GEMA v Commission

(Case T-410/08) (¹)

(Competition — Agreements, decisions and concerted practices — Copyright relating to public performance of musical works via the internet, satellite and cable retransmission — Decision finding an infringement of Article 81 EC — Sharing of the geographic market — Bilateral agreements between national collecting societies — Concerted practices precluding the possibility of granting multi-territory and multi-repertoire licences — Proof — Presumption of innocence)

(2013/C 156/47)

Language of the case: German

Parties

Applicant: Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (GEMA) (Berlin, Germany) (represented by: R. Bechtold, I. Brinker, T. Holzmüller, lawyers and J. Schwarze, professeur)

Defendant: European Commission (represented by: F. Castillo de la Torre, acting as Agent, A. Antoniadis and O. Weber, acting as Agents)

Interveners in support of the defendant: RTL Group SA (Luxembourg, Luxembourg); CLT-UFA (Luxembourg); Music Choice Europe Ltd (London, United Kingdom); ProSiebenSat.1 Media AG (Unterföhring, Germany); Modern Times Group MTG AB (Stockholm, Sweden); Viasat Broadcasting UK Ltd (London); and Verband Privater Rundfunk und Telemedien eV (VPRT) (Berlin) (represented initially by M. Hansen, A. Weitbrecht and É. Barbier de La Serre, lawyers, then M. Hansen, A. Weitbrecht, J. Ruiz Calzado, lawyers, and J. Kallaugher, solicitor)

Re:

Application for annulment in part of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC).

Operative part of the judgment

The Court:

1. Annuls Article 3 of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC), in so far as it concerns Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (GEMA);

2. Annuls Article 4(2) and (3) of Commission Decision C(2008) 3435 final, to the extent that they refer to Article 3 of that decision, in so far as they concern GEMA;
3. Orders the European Commission to bear its own costs and to pay the costs incurred by GEMA, with the exception of the costs occasioned by the intervention;
4. Orders RTL Group SA, CLT-UFA, Music Choice Europe Ltd, ProSiebenSat.1 Media AG, Modern Times Group MTG AB, Viasat Broadcasting UK Ltd and Verband Privater Rundfunk und Telemedien eV (VPRT) to bear their own costs and to pay the costs incurred by GEMA relating to the intervention;
5. Orders GEMA, the Commission, RTL Group, CLT-UFA and Music Choice Europe to each bear their own costs relating to the interim relief proceedings.

(¹) OJ C 313, 6.12.2008.

Judgment of the General Court of 12 April 2013 — Artisjus v Commission

(Case T-411/08) (¹)

(Competition — Agreements, decisions and concerted practices — Copyright relating to public performance of musical works via the internet, satellite and cable retransmission — Decision finding an infringement of Article 81 EC — Sharing of the geographic market — Bilateral agreements between national collecting societies — Concerted practices precluding the possibility of granting multi-territory and multi-repertoire licences — Proof — Presumption of innocence)

(2013/C 156/48)

Language of the case: English

Parties

Applicant: Artisjus Magyar Szerzői Jogvédő Iroda Egyesület (Budapest, Hungary) (represented by: Z. Hegymegi-Barakonyi, P. Vörös and M. Horányi, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and V. Bottka, acting as Agents)

Re:

Application for annulment in part of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC).

Operative part of the judgment

The Court:

1. Annuls Article 3 of Commission Decision C(2008) 3435 final of 16 July 2008 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC), in so far as it concerns Artisjus Magyar Szerzői Jogvédő Iroda Egyesület;