

Interveners in support of the applicant: The French Republic (represented initially by G. de Bergues, E. Belliard and A.-L. Vendrolini, then by G. de Bergues and J. Gstalter, acting as Agents); and Sociedad General de Autores y Editores (SGAE) (Madrid, Spain) (represented by: R. Allendesalazar Corcho, R. Vallina Hoset and P. Hernández Arroyo, lawyers)

Interveners in support of the defendant: International Federation of the Phonographic Industry (IFPI) (Zurich, Switzerland) (represented by: L. Uusitalo and L. Rechart, lawyers); 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, Germany) (represented initially by M. Hansen, É. Barbier de La Serre, lawyers, and O. Zafar, solicitor, then M. Hansen, J. Ruiz Calzado, A. Weitbrecht, 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. Rejects the European Commission's request for measures of organisation of procedure;
2. 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 SACEM;
3. 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 SACEM;
4. Dismisses the remainder of the action;
5. Orders SACEM to bear half of its own costs, with the exception of the costs occasioned by the interventions in support of the Commission;
6. Orders the French Republic to bear its own costs;
7. Orders Sociedad General de Autores y Editores (SGAE) to bear half of its own costs;
8. Orders the Commission to bear its own costs, to pay half of those incurred by SACEM, with the exception of the costs occasioned by the interventions in support of the Commission, and to pay half of those incurred by SGAE;

9. Orders the International Federation of the Phonographic Industry (IFPI) to bear its own costs and to pay the costs incurred by SACEM in connection with IFPI's intervention;

10. 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 to bear their own costs and to pay those incurred by SACEM in connection with their interventions;

11. Orders SACEM, 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 327, 20.12.2008.

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

(Case T-425/08) (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 156/59)

Language of the case: Danish

Parties

Applicant: Koda (Copenhagen, Denmark) (represented initially by K. Dyekjær and J. Borum, then by J. Borum and C. Karhula Lauridsen, and finally by J. Borum and G. Holtsø, lawyers)

Defendant: European Commission (represented initially by F. Castillo de la Torre and N. Rasmussen, then F. Castillo de la Torre and U. Nielsen, acting as Agents)

Intervener in support of the defendant: International Federation of the Phonographic Industry (IFPI) (Zurich, Switzerland) (represented by: L. Uusitalo and L. Rechart, lawyers)

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 Koda;
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 Koda;
3. Dismisses the remainder of the action;
4. Orders the European Commission to bear its own costs and to pay the costs incurred by Koda, with the exception of the costs occasioned by the intervention;
5. Orders the International Federation of the Phonographic Industry (IFPI) to bear its own costs and to pay the costs incurred by Koda in connection with IFPI's intervention;
6. Orders Koda and the Commission to each bear their own costs relating to the interim relief proceedings.

⁽¹⁾ OJ C 327, 20.12.2008.

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

(Case T-428/08) ⁽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 156/60)

Language of the case: English

Parties

Applicant: Samband tónskálda og eigenda flutningsréttar (STEF) (Reykjavík, Iceland) (represented by: H. Öttarsdóttir, lawyer)

Defendant: European Commission (represented by: F. Castillo de la Torre and J. Bourke, 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 Samband tónskálda og eigenda flutningsréttar (STEF);
2. Dismisses the remainder of the action;
3. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 313, 6.12.2008.

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

(Case T-432/08) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Copyright relating to the 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 practice excluding the possibility of granting multi-territorial, multi-repertoire licences — Evidence — Presumption of innocence)

(2013/C 156/61)

Language of the case: German

Parties

Applicant: Staatlich genehmigte Gesellschaft der Autoren, Komponisten und Musikverleger reg. Gen. mbH (AKM) (Vienna, Austria) (represented by: H. Wollmann and F. Urlesberger, lawyers)

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

Intervener in support of the applicant: Republic of Austria (represented by: G. Hesse, C. Pesendorfer, E. Riedl, M. Fruhmann and A. Posch, 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 of the EC Treaty 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 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/C2/38.698 — CISAC) in so far as it concerns Staatlich genehmigte Gesellschaft der Autoren, Komponisten und Musikverleger reg. Gen. mbH (AKM);