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. Óttarsdóttir, 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 Austira (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);*