

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);

2. Annuls Article 4 of Decision C(2008) 3435 final, to the extent that it refers to Article 3 thereof, in so far as it concerns AKM;
3. Dismisses the action as to the remainder;
4. Orders the Commission to bear its own costs and to pay one half of those incurred by AKM;
5. Orders AKM to bear one half of its own costs;
6. Orders the Republic of Austria to bear its own costs.

(¹) OJ C 327, 20.12.2008.

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

(Case T-433/08) (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 156/62)

Language of the case: Italian

Parties

Applicant: Società italiana degli autori ed editori (SIAE) (Rome, Italy) (represented by: M. Siragusa, L. Vullo and S. Valentino, lawyers)

Defendant: European Commission (represented by: V. Di Bucci and F. Castillo de la Torre, 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 Società italiana degli autori ed editori (SIAE);
2. Annuls Article 4(2) of Commission Decision C(2008) 3435 final as regards SIAE;

3. Dismisses the remainder of the action;
4. Orders the European Commission to pay the costs relating to the main proceedings;
5. Orders SIAE and the Commission 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 — Tono v Commission

(Case T-434/08) (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 156/63)

Language of the case: English

Parties

Applicant: Tono (Oslo, Norway) (represented by: S. Teigum and A. Ringnes, lawyers)

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 Tono;
2. Dismisses the remainder of the action;
3. Orders the European Commission to pay the costs in the main proceedings;