

4. Orders Mr Basile to bear his own costs.

(¹) OJ C 141, 20.6.2009.

Judgment of the General Court of 28 June 2012 — Basile and I Marchi Italiani v OHIM (B. Antonio Basile 1952)

(Case T-134/09) (¹)

(Community trade mark — Invalidity proceedings — Community figurative mark B. Antonio Basile 1952 — Earlier national word mark BASILE — Relative ground for refusal — Limitation in consequence of acquiescence — Article 53(2) of Regulation (EC) No 40/94 (now Article 54(2) of Regulation (EC) No 207/2009) — Likelihood of confusion — Article 8(1) of Regulation No 40/94 (now Article 8(1) of Regulation No 207/2009)

(2012/C 243/26)

Language of the case: Italian

Parties

Applicants: Antonio Basile (Giugliano in Campania, Italy); and I Marchi Italiani Srl (Naples, Italy) (represented by: G. Militerni, L. Militerni and F. Gimmelli, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by A. Sempio, and subsequently by P. Bullock, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Osra SA (Rovereta, Saint-Marin) (represented by: A. Masetti Zannini de Concina, R. Cartella and G. Petrocchi, lawyers)

Re:

Action brought against the Decision of the Second Board of Appeal of OHIM of 9 January 2009 (Case R 1436/2007-2) relating to invalidity proceedings between Osra SA and M. Antonio Basile.

Operative part of the judgment

The Court:

1. Removes the name of the second applicant, I Marchi Italiani Srl, from the list of applicants in Case T-134/09;
2. Dismisses the action;
3. Orders Mr Antonio Basile to pay the costs, other than those relating to the discontinuance;
4. Orders I Marchi Italiani Srl to bear its own costs.

(¹) OJ C 141, 20.6.2009.

Judgment of the General Court of 3 July 2012 — Denmark v Commission

(Case T-212/09) (¹)

(EAGGF — Guarantee Section — Expenditure excluded from financing — Arable crops — Setting aside of land)

(2012/C 243/27)

Language of the case: Danish

Parties

Applicant: Kingdom of Denmark (represented initially by: J. Bering Liisberg, and subsequently by: V. Pasternak Jorgensen, acting as Agents, and by P. Biering and J. Pinborg, lawyers)

Defendant: European Commission (represented initially by: N. Rasmussen and F. Jimeno Fernández; and subsequently by F. Jimeno Fernández, acting as Agents, and by T. Ryhl, lawyer)

Re:

Annulment in part of Commission Decision 2009/253/EC of 19 March 2009 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and under the European Agricultural Guarantee Fund (EAGF) (OJ 2009 L 75, p. 15), in so far as it excludes from Community financing certain expenditure incurred by the Kingdom of Denmark in respect of the setting aside of land

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

(¹) OJ C 193, 15.8.2009.

Judgment of the General Court of 29 June 2012 — E.ON Ruhrgas and E.ON v Commission

(Case T-360/09) (¹)

(Competition — Agreements, decisions and concerted practices — German and French markets for natural gas — Decision finding an infringement of Article 81 EC — Market sharing — Duration of the infringement — Fines)

(2012/C 243/28)

Language of the case: German

Parties

Applicants: E.ON Ruhrgas AG (Essen, Germany), and E.ON AG (Düsseldorf, Germany) (represented by: G. Wiedemann and T. Klose, lawyers)

Defendant: European Commission (represented by: V. Di Bucci, A. Bouquet and R. Sauer, acting as Agents, assisted by M. Bunt-scheck, lawyer)

Re:

Application for annulment of Commission Decision C(2009) 5355 final of 8 July 2009 relating to a proceeding under Article 81 [EC] (Case COMP/39.401 — E.ON/GDF), and, in the alternative, for a reduction in the amount of the fine imposed on the applicants

Operative part of the judgment

The Court:

1. Annuls Article 1 of Commission Decision C(2009) 5355 final of 8 July 2009 relating to a proceeding under Article 81 [EC] (Case COMP/39.401 — E.ON/GDF), first, inasmuch as it found that the duration of the infringement was from 1 January 1980 until at least 24 April 1998 as regards the infringement committed in Germany and, secondly, inasmuch as it found that an infringement was committed in France from 13 August 2004 to 30 September 2005;
2. Sets the amount of the fine imposed on E.ON Ruhrgas AG and E.ON AG in Article 2(a) of Decision C(2009) 5355 final at EUR 320 million;
3. Dismisses the action as to the remainder;
4. Orders each party to bear its own costs.

(¹) OJ C 282, 21.11.2009.

Judgment of the General Court of 29 June 2012 — GDF Suez v Commission

(Case T-370/09) (¹)

(Competition — Agreements, decisions and concerted practices — German and French markets for natural gas — Decision finding an infringement of Article 81 EC — Market sharing — Duration of the infringement — Fines)

(2012/C 243/29)

Language of the case: French

Parties

Applicant: GDF Suez (Paris, France) (represented by: J. P. Gunther and C. Breuvert, lawyers)

Defendant: European Commission (represented by: V. Di Bucci, A. Bouquet and R. Sauer, Agents)

Re:

Application for partial annulment of Commission Decision C(2009) 5355 final of 8 July 2009 relating to a proceeding under Article 81 [EC] (Case COMP/39.401 — E.ON/GDF), and, in the alternative, for annulment or reduction of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. Annuls Article 1 of Commission Decision C(2009) 5355 final of 8 July 2009 relating to a proceeding under Article 81 [EC] (Case COMP/39.401 — E.ON/GDF), first, inasmuch as it found that the duration of the infringement was from 1 January 1980 until at least 24 April 1998 as regards the infringement committed in Germany and, secondly, inasmuch as it found that an infringement was committed in France from 13 August 2004 to 30 September 2005;
2. Sets the amount of the fine imposed on GDF Suez SA in Article 2(b) of Decision C(2009) 5355 final at EUR 320 million;
3. Dismisses the action as to the remainder;
4. Orders each party to bear its own costs.

(¹) OJ C 282, 21.11.2009.

Judgment of the General Court of 5 July 2012 — Comercial Losan v OHIM — McDonald's International Property (Mc. Baby)

(Case T-466/09) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark Mc. Baby — Earlier Community figurative mark Mc Kids. always quality. always fun! — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 243/30)

Language of the case: Spanish

Parties

Applicant: Comercial Losan, SLU (Zaragoza, Spain) (represented by: A. Vela Ballesteros, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: McDonald's International Property Co. Ltd (Wilmington, Delaware, United States)