

*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.

(<sup>1</sup>) OJ C 282, 21.11.2009.

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

(Case T-370/09) (<sup>1</sup>)

*(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.

(<sup>1</sup>) 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) (<sup>1</sup>)

*(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)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 1 September 2009 (Case R 1706/2008-1) concerning opposition proceedings between McDonald's International Property Co. Ltd and Comercial Losan, SLU.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Comercial Losan, SLU to pay the costs.

(<sup>1</sup>) OJ C 24, 30.1.2010.

**Judgment of the General Court of 5 July 2012 — Deutscher Ring v OHIM (Deutscher Ring Sachversicherungs-AG)**

(Case T-209/10) (<sup>1</sup>)

*(Community trade mark — Application for Community word mark Deutscher Ring Sachversicherungs-AG — Absolute grounds for refusal — Descriptive character — Distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)*

(2012/C 243/31)

Language of the case: German

**Parties**

*Applicant:* Deutscher Ring Sachversicherungs-AG (Hamburg, Germany) (represented by: E. Busse, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, agent)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 11 March 2010 (Case R 1290/2009-1) concerning an application for registration of the word mark Deutscher Ring Sachversicherungs-AG as a Community trade mark.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 11 March 2010 (Case R 1290/2009-1);
2. Orders OHIM to pay the costs.

(<sup>1</sup>) OJ C 179, 3.7.2010.

**Order of the General Court of 28 June 2012 — Constellation Brands v OHIM (COOK'S)**

(Case T-314/10) (<sup>1</sup>)

*(Community trade mark — Word mark COOK'S — Failure to apply for renewal of the mark — Cancellation of the mark upon expiry of the registration — Application for restitutio in integrum — Article 81 of Regulation (EC) No 207/2009)*

(2012/C 243/32)

Language of the case: English

**Parties**

*Applicant:* Constellation Brands, Inc. (Fairport, United States of America) (represented by: B. Brandreth, Barrister)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis and V. Melgar, acting as Agents)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 29 April 2010 (Case R 1048/2009-1) in so far as it dismissed the application for restitutio in integrum

**Operative part of the order**

1. Dismisses the action.
2. Orders Constellation Brands, Inc., to pay the costs.

(<sup>1</sup>) OJ C 260, 25.9.2010.

**Judgment of the General Court of 27 June 2012 — Interkobo v OHIM — XXXLutz Marken (my baby)**

(Case T-523/10) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for Community figurative mark my baby — Earlier national and international word marks MYBABY and earlier national figurative mark mybaby — Relative ground for refusal — Failure to produce evidence in the language of the opposition proceedings — Legitimate expectation — Rules 19(3), 20(1) and 98(1) of Regulation (EC) No 2868/95)*

(2012/C 243/33)

Language of the case: German

**Parties**

*Applicant:* Interkobo sp. z o.o. (Łódź (Poland)) (represented by: R. Skubisz and K. Ziemiński, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Walicka, acting as Agent)