

GENERAL COURT

Judgment of the General Court of 10 July 2012 — Smurfit Kappa Group v Commission(Case T-304/08) ⁽¹⁾

(State aid — Corrugated case materials — Aid for the construction of a paper mill — Guidelines on national regional aid — Decision declaring the aid compatible with the common market — Admissibility — Validity of the authority conferred by a legal person on its lawyers — Adoption of a decision upon conclusion of the preliminary examination phase — Standing to bring proceedings — Procedural rights of interested parties — Serious difficulties justifying the initiation of the formal investigation procedure — Exercise by the Commission of its discretion — Article 87(3)(a) EC — Article 88(2) and (3) EC — Article 4 of Regulation (EC) No 659/1999 — Article 44(5) and (6) of the Rules of Procedure)

(2012/C 250/20)

Language of the case: English

Parties

Applicant: Smurfit Kappa Group plc (Dublin, Ireland) (represented by: T. Ottervanger and E. Henny, lawyers)

Defendant: European Commission (represented by: B. Martenczuk and C. Urraca Caviedes, Agents)

Intervener in support of the defendant: Propapier PM 2 GmbH, formerly Propapier PM2 GmbH & Co. KG (Eisenhüttenstadt, Germany) (represented by: H.-J. Niemeyer and C. Herrmann, lawyers)

Re:

Action for annulment of Commission Decision C(2008) 1107 of 2 April 2008 declaring compatible with the common market the national regional aid which the German authorities intend to grant to Propapier PM2 for the construction of a paper mill in Eisenhüttenstadt (region of Brandenburg-Nordost) (State aid N 582/2007 — Germany).

Operative part of the judgment*The Court:*

1. Annuls Commission Decision C(2008) 1107 of 2 April 2008 declaring compatible with the common market the national regional aid which the German authorities intend to grant to Propapier PM2 for the construction of a paper mill in Eisenhüttenstadt (region of Brandenburg-Nordost) (State aid N 582/2007 — Germany);

2. Orders the European Commission and Propapier PM 2 GmbH to pay the costs.

⁽¹⁾ OJ C 272, 25.10.2008.**Judgment of the General Court of 10 July 2012 — TF1 and Others v Commission**(Case T-520/09) ⁽¹⁾

(State aid — Public service broadcasting — Aid intended to be granted by the French Republic to France Télévisions — Budgetary grant for 2009 — Decision not to raise objections — Service of general economic interest — Criterion of proportionality — No serious difficulties)

(2012/C 250/21)

Language of the case: French

Parties

Applicants: Télévision française 1 (TF1) (Boulogne-Billancourt, France); Métropole télévision (M6) (Neuilly-sur-Seine, France); and Canal + (Issy-les-Moulineaux, France) (represented by: J.P. Hordies and C. Smits, lawyers)

Defendant: European Commission (represented by: B. Stromsky and D. Grespan, acting as Agents)

Interveners in support of the defendant: French Republic (represented by: G. de Bergues and J. Gstalter, acting as Agents); and France Télévisions (Paris, France) (represented by: J.P. Gunther and A. Giraud, lawyers)

Re:

Application for annulment of the Commission's decision of 1 September 2009 concerning a budgetary grant in favour of France Télévisions in so far as the Commission raises no objections in that decision regarding a budgetary grant of a maximum amount of EUR 450 million for 2009.

Operative part of the judgment*The Court:*

1. Dismisses the action as unfounded;
2. Orders Télévision française 1 (TF1), Métropole télévision (M6) and Canal + to bear their own costs and to pay those incurred by the European Commission and France Télévisions;

3. *Orders the French Republic to bear its own costs.*

(¹) OJ C 80, 27.3.2010.

Judgment of the General Court of 6 July 2012 — Jackson International v OHIM — Royal Shakespeare (ROYAL SHAKESPEARE)

(Case T-60/10) (¹)

(Community trade mark — Invalidity proceedings — Community word mark ROYAL SHAKESPEARE — Earlier Community word mark RSC-ROYAL SHAKESPEARE COMPANY — Relative grounds for invalidity — Mark with a reputation — Article 53(1)(a) and Article 8(5) of Regulation (EC) No 207/2009 — Likelihood of association — Unfair advantage taken of the distinctive character or the repute of the earlier trade mark)

(2012/C 250/22)

Language of the case: English

Parties

Applicant: Jackson International Trading Co. Kurt D. Brühl GmbH & Co. KG (Graz, Austria) (represented by: H.-G. Zeiner and S. Di Natale, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: The Royal Shakespeare Company (Warwickshire, United Kingdom) (represented by: C. Barnett, Solicitor, and S. Malynicz, Barrister)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 19 November 2009 (Case R 317/2009-1), concerning invalidity proceedings between The Royal Shakespeare Company and Jackson International Trading Co. Kurt D. Brühl GmbH & Co. KG.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Jackson International Trading Co. Kurt D. Brühl GmbH & Co. KG to pay the costs.*

(¹) OJ C 100, 17.4.2010.

Judgment of the General Court of 11 July 2012 — Laboratoire Garnier v OHIM (natural beauty)

(Case T-559/10) (¹)

(Community trade mark — Application for the Community figurative mark natural beauty — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2012/C 250/23)

Language of the case: English

Parties

Applicant: Laboratoire Garnier et Cie (Paris, France) (represented: initially by R. Dissmann and A. Steegmann and subsequently by R. Dissmann, lawyers)

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

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 23 September 2010 (Case R 971/2010-1) concerning registration of the figurative sign natural beauty as a Community trade mark

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Laboratoire Garnier et Cie to pay the costs.*

(¹) OJ C 38, 5.2.2011.

Judgment of the General Court of 10 July 2012 — Interspeed v Commission

(Case T-587/10) (¹)

(Non-contractual liability — External relations — Call for tenders issued by the EAR concerning work at the Preševo (Serbia) border crossing, the financing of the works and other connected measures — No causal link)

(2012/C 250/24)

Language of the case: Slovenian

Parties

Applicant: Holding kompanija Interspeed a.d. (Belgrade, Serbia) (represented by: M. Bošnjak, lawyer)

Defendant: European Commission (represented by: F. Erlbacher and B. Rous, Agents)