2. *In respect of the infringement findings in Article 1(f) of Decision C(2009) 5791 final against Evonik Degussa and AlzChem, the following fines shall be imposed:*

   — *on Evonik Degussa and AlzChem jointly and severally: EUR 2.49 million, subject to the qualification that Evonik Degussa et AlzChem will be deemed to have satisfied the payment of that fine up to the amount paid by SKW Stahl Technik in respect of the fine which was imposed on it under Article 2(g) of that decision;*

   — *on Evonik Degussa, exclusively liable for payment of that fine, EUR 1.24 million;*

3. *The action is dismissed as to the remainder;*

4. *Evonik Degussa and AlzChem shall bear two-thirds of their own costs and two-thirds of those of the European Commission. The Commission shall bear one-third of its own costs and one-third of those of Evonik Degussa and AlzChem.*

([1]) OJ C 297, 5.12.2009.

Judgment of the General Court of 23 January 2014 — Gigaset v Commission

(Case T-395/09) ([1])

(Competition — Agreements, decisions and concerted practices — Market for calcium carbide and magnesium for the steel and gas industries in the EEA, with the exception of Ireland, Spain, Portugal and the United Kingdom — Decision finding an infringement of Article 81 EC — Price-fixing and market-sharing — Imputability of the unlawful conduct — Obligation to state reasons — Fines — Duration of the infringement — Equal treatment — Mitigating circumstances — Cooperation during the administrative procedure — Joint and several liability for payment of a fine — 2006 guidelines on the method of setting fines)

(2014/C 71/25)

Language of the case: German

Parties

Applicant: Gigaset AG, formerly Arques Industries AG (Munich, Germany) (represented by: C. Grave, B. Meyring and A. Scheidtmann, lawyers)

Defendant: European Commission (represented by: N. von Lingen and R. Sauer, acting as Agents, and A. Böhlke, lawyer)

Re:

Application for annulment of Commission Decision C(2009) 5791 final of 22 July 2009 relating to a proceeding under Article 81 (EC) and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries), in so far as it relates to the applicant, and, in the alternative, for the reduction of the fine imposed on the applicant by that decision.

Operative part of the judgment

The Court:

1. *Fixes the amount of the fine imposed on Gigaset AG under Article 2(f) of Commission Decision C(2009) 5791 final of 22 July 2009 relating to a proceeding under Article 81 (EC) and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries) at EUR 12.3 million;*

2. *Dismisses the action as to the remainder;*

3. *Orders Gigaset to bear 90 % of its own costs and 90 % of those incurred by the Commission, with the exception of the costs relating to the proceedings for interim measures. The Court orders the Commission to pay 10 % of its own costs and 10 % of the costs incurred by Gigaset, with the exception of the costs relating to the proceedings for interim measures.*

([1]) OJ C 297, 5.12.2009.

Judgment of the General Court of 29 January 2014 — Hubei Xinyegang Steel v Council

(Case T-528/09) ([1])

(Dumping — Imports of certain seamless pipes and tubes of iron or steel originating in China — Determination of a threat of injury — Article 3(9) and Article 9(4) of Regulation (EC) No 384/96 (now Article 3(9) and Article 9(4) of Regulation (EC) No 1225/2009))

(2014/C 71/26)

Language of the case: English

Parties

Applicant: Hubei Xinyegang Steel Co. Ltd (Huang Shi, China) (represented by: F. Carlin, Barrister, Q. Azau, lawyer, A. MacGregor, Solicitor, and N. Niejahr, lawyer)

Defendant: Council of the European Union (represented by: J.-P. Hix and B. Driessen, Agents, and by B. O'Connor, Solicitor)

Interveners in support of the defendant: European Commission (represented initially by: H. van Vliet and M. França, and subsequently by M. França and J.-F. Brakeland, Agents, assisted by R. Bierwagen, lawyer); ArcelorMittal Tubular Products Ostrava a.s. (Ostrava-Kunčice, Czech Republic); ArcelorMittal Tubular Products Roman SA (Roman, Romania); Benteler Stahl/Rohr GmbH (Paderborn, Germany); Ovako Tube & Ring AB (Hofors, Sweden); Rohrwerk Maxhütte GmbH (Sulzbach-Rosenberg Germany); Dalmine SpA (Dalmine, Italy); Silcotub SA (Zalău, Romania); TMK-Artrom SA (Slatina, Romania); Tubos Reunidos SA (Amurrio, Spain); Vallourec Mannesmann Oil & Gas France (Aulnoye-Aymeries, France); V & M France (Boulogne-Billancourt, France); V & M Deutschland GmbH (Düsseldorf, Germany); Voestalpine Tubulars GmbH (Linz, Austria); and Železiarne Podbrezová a.s. (Podbrezová, Slovakia) (represented by: G. Berrisch, G. Wolf, lawyers, and N. Chesaites, Barrister)

Re:

Application for annulment of Council Regulation (EC) No 926/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China (OJ 2009 L 262, p. 19).

Operative part of the judgment

The Court:

1. *Annuls Council Regulation (EC) No 926/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China to the extent that it imposes anti-dumping duties on exports of products produced by Hubei Xinyegang Steel Co. Ltd and collects provisional duties imposed on those exports;*

2. *Orders the Council of the European Union to bear its own costs and to pay those incurred by Hubei Xinyegang Steel Co;*

3. *Orders the European Commission to bear its own costs;*

4. *Orders ArcelorMittal Tubular Products Ostrava a.s., ArcelorMittal Tubular Products Roman SA, Benteler Stahl/Rohr GmbH, Ovako Tube & Ring AB, Rohrwerk Maxhütte GmbH, Dalmine SpA, Silcotub SA, TMK-Artrom SA, Tubos Reunidos SA, Vallourec Mannesmann Oil & Gas France, V & M France, V & M Deutschland GmbH, Voestalpine Tubulars GmbH and Železiarne Podbrezová a.s. to bear their own costs.*

(1) OJ C 51, 27.2.2010.

Judgment of the General Court of 28 January 2014 — Progust v OHIM — Sopralex & Vosmarques (IMPERIA)

(Case T-216/11) (1)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark IMPERIA — Earlier Community figurative mark IMPERIAL — Relative ground for refusal — Likelihood of confusion — Distinctive character of the earlier mark — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2014/C 71/27)

Language of the case: Spanish

Parties

Applicant: Progust, SL (Girona, Spain) (represented by: initially M. E. López Camba, J. L. Rivas Zurdo, E. Seijo Veiguela and I. Munilla Muñoz, then J. L. Rivas Zurdo, E. Seijo Veiguela et I. Munilla Muñoz, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Sopralex & Vosmarques SA (Brussels, Belgium) (represented by: P. Maeyaert and V. Fossoul, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 27 January 2011 (Case R 1036/2010-1) relating to opposition proceedings between Sopralex & Vosmarques SA and Progust, SL.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Progust, SL to pay the costs.*

(1) OJ C 194, 2.7.2011.