

# GENERAL COURT

## Judgment of the General Court of 12 September 2017 — Laufen Austria v Commission

(Case T-411/10 RENV) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Decision establishing an infringement of Article 101 TFEU and of Article 53 of the EEA Agreement — Fines — Fine imposed jointly and severally on a parent company and its subsidiary — Ceiling of 10 % of turnover — Calculation of the ceiling on the basis solely of the turnover of the subsidiary for the period of the infringement prior to its acquisition by the parent company)*

(2017/C 357/09)

Language of the case: Spanish

### Parties

*Applicant:* Laufen Austria AG (Wilhelmsburg, Austria) (represented by: E. Navarro Varona, lawyer)

*Defendant:* European Commission (represented by: F. Castillo de la Torre, F. Jimeno Fernández and F. Castilla Contreras, acting as Agents)

### Re:

Application based on Article 263 TFEU and seeking, first, partial annulment of Commission Decision C(2010) 4185 final of 23 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/39092 — Bathroom Fittings and Fixtures) and, second, a reduction of the amount of the fine imposed on the applicant in that decision.

### Operative part of the judgment

*The Court:*

1. Fixes at EUR 4 788 001 the portion of the fine imposed on Laufen Austria AG for which it is held individually liable in respect of the infringement committed during the period between 12 October 1994 and 28 October 1999;
2. Orders Laufen Austria AG and the European Commission each to bear their own respective costs relating to the proceedings before the General Court and the Court of Justice.

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<sup>(1)</sup> OJ C 301, 6.11.2010.

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## Judgment of the General Court of 12 September 2017 — Bayerische Motoren Werke v Commission

(Case T-671/14) <sup>(1)</sup>

*(State aid — Regional investment aid — Aid granted by Germany to BMW for a large investment project in Leipzig concerning the production of two models of electric cars (i3 and i8) — Decision declaring the aid partly compatible and partly incompatible with the internal market — Article 107(3)(c) TFEU — Article 108(2) and (3) TFEU — Incentive effect of the aid — Whether the aid is necessary)*

(2017/C 357/10)

Language of the case: German

### Parties

*Applicant:* Bayerische Motoren Werke AG (Munich, Germany) (represented by: M. Rosenthal, G. Drauz and M. Schütte, lawyers)

*Defendant:* European Commission (represented: initially by F. Erlbacher, T. Maxian Rusche and R. Sauer, and subsequently by T. Maxian Rusche and R. Sauer, acting as Agents)

*Intervener in support of the applicant:* Freistaat Sachsen (Germany) (represented by: T. Lübbig and K. Gaßner, lawyers)

**Re:**

Application pursuant to Article 263 TFEU for partial annulment of Commission Decision C(2014) 4531 final of 9 July 2014 on the State aid No SA.32009 (2011/C) (ex 2010/N) which the Federal Republic of Germany plans to grant to BMW for a large investment project in Leipzig.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Bayerische Motoren Werke AG to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Freistaat Sachsen to bear its own costs.

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<sup>(1)</sup> OJ C 439, 8.12.2014.

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**Judgment of the General Court of 7 September 2017 — VM Vermögens-Management v EUIPO —  
DAT Vermögensmanagement (Vermögensmanufaktur)**

(Case T-374/15) <sup>(1)</sup>

*(European Union trade mark — Invalidity proceedings — EU word mark Vermögensmanufaktur —  
Absolute grounds for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b)  
and (c) of Regulation (EC) No 207/2009 — Article 52(1)(a) of Regulation No 207/2009)*

(2017/C 357/11)

*Language of the case: German*

**Parties**

*Applicant:* VM Vermögens-Management GmbH (Düsseldorf, Germany) (represented by: T. Dolde and P. Homann, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: S. Hanne, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* DAT Vermögensmanagement GmbH (Baldham, Germany) (represented by: H.-G. Stache, lawyer)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 29 April 2015 (Case R 418/2014–5), relating to invalidity proceedings between DAT Vermögensmanagement and VM Vermögens-Management.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders VM Vermögens-Management GmbH to bear its own costs and those incurred by the European Union Intellectual Property Office (EUIPO) as well;
3. Orders DAT Vermögensmanagement GmbH to bear its own costs.

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<sup>(1)</sup> OJ C 302, 14.9.2015.