

**Judgment of the General Court of 15 December 2016 — Abertis Telecom Terrestre and Telecom Castilla-La Mancha v Commission**

**(Joined Cases T-37/15 and T-38/15) <sup>(1)</sup>**

***(State aid — Digital television — Aid for the deployment of digital terrestrial television in remote and less-urbanised areas of Castilla-La Mancha — Decision declaring the aid incompatible with the internal market — Concept of an undertaking — Economic activity — Advantage — Service of general economic interest — Distortion of competition — Article 107(3)(c) TFEU — New aid)***

(2017/C 038/37)

Language of the case: Spanish

**Parties**

*Applicants:* Abertis Telecom Terrestre, SA (Barcelona, Spain), Telecom Castilla-La Mancha, SA (Toledo, Spain) (represented by: initially, J. Buendía Sierra, A. Lamadrid de Pablo, A. Balcells Cartagena and M. Bolsa Ferruz, and subsequently J. Buendía Sierra, A. Lamadrid de Pablo and M. Bolsa Ferruz, lawyers)

*Defendant:* European Commission (represented by: É. Gippini Fournier, P. Němečková and B. Stromsky, acting as Agents)

*Intervener in support of the defendant:* SES Astra (Betzdorf, Luxembourg) (represented by: F. González Díaz, F. Salerno and V. Romero Algarra, lawyers)

**Re:**

Application based on Article 263 TFEU and seeking the annulment of Commission Decision C(2014) 6846 final of 1 October 2014 on State aid SA.27408 ((C 24/2010) (ex NN 37/2010, ex CP 19/2009)) implemented by the authorities of Castilla-La Mancha for the deployment of digital terrestrial television in remote and less urbanised areas of Castilla-La Mancha, as amended by Decision C(2015) 7193 final of 20 October 2015 correcting certain errors contained in Decision C(2014) 6846 final.

**Operative part of the judgment**

*The Court:*

1. Dismisses the actions;
2. Orders Abertis Telecom Terrestre, SA and Telecom Castilla-La Mancha, SA to bear their own costs and to pay those incurred by the European Commission and by SES Astra.

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<sup>(1)</sup> OJ C 89, 16.3.2015.

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**Judgment of the General Court of 15 December 2016 — Aldi v EUIPO — Miquel Alimentació Grup (Gourmet)**

**(Case T-212/15) <sup>(1)</sup>**

***(EU trade mark — Opposition proceedings — Application for EU figurative mark Gourmet — Earlier national word and figurative marks GOURMET and Gourmet — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)***

(2017/C 038/38)

Language of the case: German

**Parties**

*Applicant:* Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: C. Fürsen, N. Lützenrath, U. Rademacher and N. Bertram, lawyers)