

*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.