

2. Orders Novartis Europharm Ltd to bear its own costs and to pay those incurred by the European Commission, by Teva Pharma BV and by Hospira UK Ltd in Cases C-629/15 P and C-630/15 P.

⁽¹⁾ OJ C 38, 1.2.2016.

Judgment of the Court (Grand Chamber) of 27 June 2017 (request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo No 4 de Madrid — Spain) — Congregación de Escuelas Pías Provincia Betania v Ayuntamiento de Getafe

(Case C-74/16) ⁽¹⁾

(Reference for a preliminary ruling — State aid — Article 107(1) TFEU — Meaning of ‘State aid’ — Meaning of ‘undertaking’ and ‘economic activity’ — Other conditions for the application of Article 107(1) TFEU — Article 108(1) and (3) TFEU — Meaning of ‘new aid’ and ‘existing aid’ — Agreement of 3 January 1979 between the Kingdom of Spain and the Holy See — Tax on construction, installations and works — Exemption for buildings belonging to the Catholic Church)

(2017/C 283/06)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo No 4 de Madrid

Parties to the main proceedings

Applicant: Congregación de Escuelas Pías Provincia Betania

Defendant: Ayuntamiento de Getafe

Operative part of the judgment

A tax exemption such as that at issue in the main proceedings, to which a congregation belonging to the Catholic Church is entitled in respect of works on a building intended to be used for activities that do not have a strictly religious purpose, may fall under the prohibition in Article 107(1) TFEU if, and to the extent to which, those activities are economic, a matter which it is for the referring court to determine.

⁽¹⁾ OJ C 145, 25.4.2016.

Judgment of the Court (Tenth Chamber) of 6 July 2017 (request for a preliminary ruling from the Audiencia Provincial de Burgos — Spain) — Juan Moreno Marín, María Almudena Benavente Cárdaba, Rodrigo Moreno Benavente v Abadía Retuerta, SA

(Case C-139/16) ⁽¹⁾

(Reference for a preliminary ruling — Trade marks — Directive 2008/95/EC — Article 3(1)(c) — National word mark La Milla de Oro — Grounds for refusal of registration or invalidity — Signs indicating geographical origin)

(2017/C 283/07)

Language of the case: Spanish

Referring court

Audiencia Provincial de Burgos

Parties to the main proceedings

Applicants: Juan Moreno Marín, María Almudena Benavente Cárdbaba, Rodrigo Moreno Benavente

Defendant: Abadía Retuerta SA

Operative part of the judgment

1. A sign such as 'la Milla de Oro', referring to the characteristic of a product or service which is that it can be found in abundance in a single place with a high degree of value and quality, cannot constitute an indication of geographical origin, since that sign must be accompanied by a name designating a geographical place so that the actual physical space with which a strong concentration of a product or service of a high degree of value or quality is associated may be identified.
2. Article 3(1)(c) of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks must be interpreted as meaning that a sign such as 'la Milla de Oro', referring to the characteristic of a product or service which is that such a product or service can be found in abundance in a single place with a high degree of value, is unlikely to have characteristics the use of which as a trade mark would constitute a ground for invalidity within the meaning of that provision.

⁽¹⁾ OJ C 200, 6.6.2016.

Judgment of the Court (Seventh Chamber) of 6 July 2017 — Toshiba Corporation v European Commission

(Case C-180/16 P) ⁽¹⁾

(Appeal — Competition — Agreements, decisions and concerted practices — Market in gas insulated switchgear projects — Decision taken by the European Commission following annulment in part of the initial decision by the General Court of the European Union — Amendment of fines — Rights of the defence — No adoption of a new statement of objections — Equal treatment — Joint venture — Calculation of the starting amount — Extent of contribution to the infringement — Res judicata)

(2017/C 283/08)

Language of the case: English

Parties

Appellant: Toshiba Corporation (represented by: J. F. MacLennan, Solicitor, S. Sakellariou, dikigoros, A. Schulz, Rechtsanwalt, and J. Jourdan, avocat)

Other party to the proceedings: European Commission (represented by: N. Khan, acting as Agent)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Toshiba Corp. to pay the costs.

⁽¹⁾ OJ C 175, 17.5.2016.