

*Defendant:* European Commission (represented by: F. Tomat and K.-P. Wojcik, acting as Agents)

*Interveners in support of the defendant:* Federal Republic of Germany (represented by: J. Möller, D. Klebs and S. Heimerl, acting as Agents) and Land Niedersachsen (Germany) (represented by: S. Barth and H. Gading, lawyers)

**Re:**

Application based on Article 263 TFEU seeking annulment of Commission Decision C(2018) 4385 final of 12 July 2018 not to raise objections to the measure adopted by the Land Niedersachsen under Article 7a of the Niedersächsisches Nahverkehrsgesetz [Case SA.46538 (2017/NN)] (OJ 2018 C 292, p. 1).

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Gesamtverband Verkehrsgewerbe Niedersachsen e.V. (GVN) to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Federal Republic of Germany and the Land Niedersachsen to bear their own costs.

---

(<sup>1</sup>) OJ C 427, 26.11.2018.

---

**Judgment of the General Court of 5 October 2020 — Hermann Albers v Commission**

(Case T-597/18) (<sup>1</sup>)

*(State aid — Public transport of passengers — Offsetting of the costs involved in the performance of public service obligations — Obligation to establish maximum tariffs for pupils, students, apprentices and persons with reduced mobility — Article 7a of the Niedersächsisches Nahverkehrsgesetz (Law on local transport of the Land of Lower Saxony) — Decision not to raise objections — Article 3(2) and (3) of Regulation (EC) No 1370/2007 — Transfer of financial resources from a Land to transport authorities at municipal level — Concept of aid — Obligation to notify)*

(2020/C 433/53)

Language of the case: German

**Parties**

*Applicant:* Hermann Albers e.K. (Neubörger, Germany) (represented by: S. Roling, lawyer)

*Defendant:* European Commission (represented by: F. Tomat and K.-P. Wojcik, acting as Agents)

*Interveners in support of the defendant:* Federal Republic of Germany (represented by: J. Möller, D. Klebs and S. Heimerl, acting as Agents) and Land Niedersachsen (Germany) (represented by: S. Barth and H. Gading, lawyers)

**Re:**

Application based on Article 263 TFEU seeking annulment of Commission Decision C(2018) 4385 final of 12 July 2018 not to raise objections to the measure adopted by the Land Niedersachsen under Article 7a of the Niedersächsisches Nahverkehrsgesetz (Law on local transport of the Land of Lower Saxony) [Case SA. 46697 (2017/NN)] (OJ 2018 C 292, p. 1).

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Hermann Albers e.K. to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Federal Republic of Germany and the Land Niedersachsen to bear their own costs.

---

(<sup>1</sup>) OJ C 427, 26.11.2018.

---

**Judgment of the General Court of 15 October 2020 — smart things solutions v EUIPO — Samsung Electronics (smart:)things)**

(Case T-48/19) (<sup>1</sup>)

*(EU trade mark — Invalidity proceedings — EU figurative mark smart:)things — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EU) 2017/1001 — Article 59(1)(a) of Regulation 2017/1001 — Article 95(1) of Regulation 2017/1001)*

(2020/C 433/54)

*Language of the case: English*

**Parties**

*Applicant:* smart things solutions GmbH (Seefeld, Germany) (represented by: R. Dissmann, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: A. Söder, H. O'Neill and V. Ruzek, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Samsung Electronics GmbH (Schwalbach/Taunus, Germany) (represented by: T. Schmitz, M. Breuer and I. Dimitrov, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 20 November 2018 (Case R 835/2018-4), relating to invalidity proceedings between Samsung Electronics and smart things solutions.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders smart things solutions GmbH to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Samsung Electronics GmbH.

---

(<sup>1</sup>) OJ C 103, 18.3.2019.