

**Re:**

Application under Article 263 TFEU seeking annulment of Commission Decision C(2017) 7973 final of 4 December 2017 on State aid SA.39913 (2017/NN) — Italy — Alleged compensation of public hospitals in the Lazio Region.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Casa Regina Apostolorum della Pia Società delle Figlie di San Paolo to bear its own costs and to pay those incurred by the European Commission.

---

<sup>(1)</sup> OJ C 190, 4.6.2018.

---

**Judgment of the General Court of 2 June 2021 — Franz Schröder v EUIPO — RDS Design (MONTANA)**

(Case T-854/19) <sup>(1)</sup>

*(EU trade mark — Invalidity proceedings — EU word mark MONTANA — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Right to be heard — Article 94(1) of Regulation 2017/1001 — Examination of the facts by EUIPO of its own motion — Admission of evidence submitted for the first time before the Board of Appeal — Article 95(1) and (2) of Regulation 2017/1001)*

(2021/C 278/55)

Language of the case: English

**Parties**

*Applicant:* Franz Schröder GmbH & Co. KG (Delbrück, Germany) (represented by: L. Pechan and N. Fangmann, lawyers)

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* RDS Design ApS (Allerød, Denmark) (represented by: J. Viinberg, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 October 2019 (Case R 2393/2018-4), relating to invalidity proceedings between Franz Schröder and RDS Design.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Franz Schröder GmbH & Co. KG to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO);
3. Orders RDS Design ApS to bear its own costs.

---

<sup>(1)</sup> OJ C 54, 17.2.2020.