

*Interveners in support of the defendant:* Federal Republic of Germany (represented by: J. Möller, R. Kanitz and P.L. Krüger, acting as Agents), French Republic (represented by: E. de Moustier and P. Dodeller, acting as Agents), Condor Flugdienst GmbH (Kelsterbach, Germany) (represented by: A. Birnstiel and S. Blazek, lawyers)

**Re:**

Application under Article 263 TFEU for annulment of Commission Decision C(2020) 2795 final of 26 April 2020 on State aid SA.56867 (2020/N, ex 2020/PN) — Germany — Compensation for the damage caused by the COVID 19 outbreak to Condor Flugdienst.

**Operative part of the judgment**

The Court:

1. Annuls Commission Decision C(2020) 2795 final of 26 April 2020 on State aid SA.56867 (2020/N, ex 2020/PN) — Germany — Compensation for the damage caused by the COVID-19 outbreak to Condor Flugdienst GmbH;
2. Suspends the effects of the annulment of that decision pending the adoption of a new decision by the Commission under Article 108 TFEU. Those effects are to be preserved for a period not exceeding two months from the date of delivery of this judgment if the Commission decides to adopt such a new decision under Article 108(3) TFEU, and for a reasonable further period if the Commission decides to initiate the procedure under Article 108(2) TFEU;
3. Orders the Commission to bear its own costs, and to pay those incurred by Ryanair DAC;
4. Orders the Federal Republic of Germany, the French Republic and Condor Flugdienst to bear their own costs.

<sup>(1)</sup> OJ C 443, 21.12.2020.

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**Order of the General Court of 2 June 2021 — Birkenstock Sales v EUIPO (Wavy crisscrossing lines on the sole of a shoe)**

(Case T-365/20) <sup>(1)</sup>

*(Action for annulment — EU trade mark — Application for an EU trade mark consisting in wavy crisscrossing lines on the sole of a shoe — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 (now Article 7(1)(b) of Regulation (EU) 2017/1001) — Action manifestly lacking any foundation in law)*

(2021/C 297/54)

*Language of the case: German*

**Parties**

*Applicant:* Birkenstock Sales GmbH (Linz am Rhein, Germany) (represented by: C. Menebröcker and K. Middelhoff, lawyers)

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

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 19 March 2020 (Case R 1706/2019-1), concerning an application for registration of a sign consisting in wavy crisscrossing lines on the sole of a shoe as an EU trade mark.

**Operative part of the order**

1. The action is dismissed.
2. Birkenstock Sales GmbH shall pay the costs.

<sup>(1)</sup> OJ C 255, 3.8.2020.