

## GENERAL COURT

**Judgment of the General Court of 19 May 2011 — Ryanair v Commission**(Case T-423/07) <sup>(1)</sup>

(State aid — Competition — Abuse of a dominant position — Aviation sector — Exclusive use of Terminal 2 at Munich Airport — Action for failure to act — Adoption of a position by the Commission — No need to adjudicate — Obligation to act — None)

(2011/C 194/16)

Language of the case: English

**Parties**

**Applicant:** Ryanair Ltd (Dublin, Ireland) (represented by: E. Vahida, lawyer)

**Defendant:** European Commission (represented by: L. Flynn, S. Noë and E. Righini, Agents)

**Re:**

APPLICATION for a declaration that the Commission has failed to act in unlawfully failing to adopt a position on the applicant's complaint concerning, first, aid allegedly granted by the Federal Republic of Germany to Lufthansa and its Star Alliance partners in the form of the exclusive use of Terminal 2 at Munich Airport (Germany) and, second, alleged abuse of a dominant position by Munich Airport

**Operative part of the judgment**

The Court:

1. Declares that there is no need to give a ruling on the claim submitted by Ryanair Ltd that the Commission failed to act in relation to the alleged State aid to Lufthansa;
2. Rejects the claim submitted by Ryanair that the Commission failed to act in relation to the alleged State aid to Lufthansa's Star Alliance partners;
3. Rejects the claim submitted by Ryanair that the Commission failed to act in relation to the alleged abuse of a dominant position;
4. Orders the European Commission to pay its own costs and half of those incurred by Ryanair;
5. Orders Ryanair to pay half its own costs.

<sup>(1)</sup> OJ C 8, 12.1.2008.

**Judgment of the General Court of 18 May 2011 — IIC-Intersport International v OHIM — McKenzie (McKENZIE)**(Case T-502/07) <sup>(1)</sup>

(Community trade mark — Opposition proceedings — Application for the Community figurative trade mark McKENZIE — Earlier Community figurative and word marks McKINLEY — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2011/C 194/17)

Language of the case: English

**Parties**

**Applicant:** IIC-Intersport International Corp. GmbH (Ostermundigen, Switzerland) (represented by: P. Steinhauser, lawyer)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral and D. Botis, Agents)

**Other party to the proceedings before the Board of Appeal of OHIM:** The McKenzie Corporation Ltd (Ponteland Village, Newcastle Upon Tyne, United Kingdom) (represented by: D. Alexander QC, R. Kempner and O.M. Delafaille, Solicitors)

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 15 October 2007 (Case R 1425/2006-2) relating to opposition proceedings between The McKenzie Corporation Ltd and IIC — Intersport International Corp. GmbH

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders IIC-Intersport International Corp. GmbH to pay the costs.

<sup>(1)</sup> OJ C 51, 23.2.2008.