

## GENERAL COURT

**Judgment of the General Court of 29 November 2012 —  
CB v Commission**(Case T-491/07) <sup>(1)</sup>

*(Competition — Decision of an association of undertakings — Market for issuing payment cards in France — Decision finding an infringement of Article 81 EC — Tariff measures applicable to ‘new entrants’ — Membership fees and so-called ‘regulation of customer function’ and ‘sleeper member fee’ mechanisms — Relevant market — Object of the measures at issue — Restriction of competition by object — Article 81(3) EC — Manifest errors of assessment — Principle of sound administration — Proportionality — Legal certainty)*

(2013/C 26/73)

Language of the case: French

**Parties**

*Applicant:* Groupement des cartes bancaires ‘CB’ (Paris, France) (represented by: A. Georges, J. Ruiz Calzado, É. Barbier de la Serre, then J. Ruiz Calzado and F. Pradelles, lawyers)

*Defendant:* European Commission (represented: initially by F. Arbault, O. Beynet and V. Bottka, then O. Beynet, V. Bottka and B. Mongin, acting as Agents)

*Interveners in support of the applicant:* BNP Paribas (Paris, France) (represented by: O. de Juvigny and D. Berg, lawyers); BPCE, formerly Caisse nationale des caisses d’épargne et de prévoyance (CNCEP) (Paris) (represented by: B. Bär-Bouyssière and A. de Beaugrenier, lawyers); and Société Générale (Paris) (represented by: A. Barav and D. Reymond, lawyers).

**Re:**

Application for annulment of Commission Decision C(2007) 5060 final of 17 October 2007 relating to a proceeding under Article 81 EC (Case COMP/D1/38.606 — Groupement des Cartes Bancaires ‘CB’).

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders the Groupement des cartes bancaires ‘CB’ to bear its own costs and to pay those incurred by the European Commission;
3. Orders BPCE, BNP Paribas and Société Générale to bear their own costs.

<sup>(1)</sup> OJ C 64, 8.3.2008.**Judgment of the General Court of 7 December 2012 —  
A. Loacker SpA v OHIM — Editrice Quadratum  
(QUADRATUM)**(Case T-42/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark QUADRATUM — Earlier Community word mark LOACKER QUADRATINI — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Article 73 of Regulation No 40/94 (now Article 75 of Regulation No 207/2009) — Article 74 of Regulation No 40/94 (now Article 76 of Regulation No 207/2009)*

(2013/C 26/74)

Language of the case: Italian

**Parties**

*Applicant:* A. Loacker SpA (Auna di Sotto, Italy) (represented by: V. Bilardo, C. Bacchini and M. Mazzitelli, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Sempio, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Editrice Quadratum SpA (Milan, Italy) (represented by: P. Pezzoi, P. Perani and G. Ghisletti, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 23 October 2008 (Case R 34/2008-1), concerning opposition proceedings between A. Loacker SpA and Editrice Quadratum SpA.

**Operative part of the judgment**

The Court:

1. Dismisses the application;
2. Orders A. Loacker SpA to pay the costs.

<sup>(1)</sup> OJ C 69, 21.3.2009.