

Judgment of the General Court of 15 May 2018 — Wirecard v EUIPO (mycard2go)**(Case T-676/16) ⁽¹⁾****(EU trade mark — Application for EU figurative mark mycard2go — Absolute ground for refusal — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) of Regulation (EU) 2017/1001))**

(2018/C 231/27)

Language of the case: German

Parties

Applicant: Wirecard AG (Aschheim, Germany) (represented by: A. Bayer, lawyer)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 21 July 2016 (Case R 280/2016-4) concerning an application for registration of the figurative sign mycard2go as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Wirecard AG to pay the costs.

⁽¹⁾ OJ C 410, 7.11.2016.

Judgment of the General Court of 16 May 2018 — Deutsche Lufthansa v Commission**(Case T-712/16) ⁽¹⁾****(Competition — Concentrations — Air transport market — Decision declaring a concentration compatible with the internal market subject to certain commitments — Request for a waiver of part of the obligations forming the subject matter of the commitments — Proportionality — Legitimate expectations — Principle of good administration — Misuse of powers)**

(2018/C 231/28)

Language of the case: English

Parties

Applicant: Deutsche Lufthansa AG (Cologne, Germany) (represented by: S. Völcker, lawyer)

Defendant: European Commission (represented by: A. Biolan, H. Leupold and I. Zaloguin, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Commission Decision C(2016) 4964 final of 25 July 2016 rejecting the applicant's request for a waiver of certain commitments rendered binding by the Commission Decision of 4 July 2005 approving the merger in Case COMP/M.3770 — Lufthansa/Swiss.

Operative part of the judgment

The Court:

1. Annuls, in so far as it concerns the Zurich-Stockholm route, Commission Decision C(2016) 4964 final of 25 July 2016 rejecting Deutsche Lufthansa AG's request for a waiver of certain commitments rendered binding by the Commission decision of 4 July 2005 approving the merger in Case COMP/M.3770 — Lufthansa/Swiss;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 462, 12.12.2016.

Judgment of the General Court of 16 May 2018 — Netflix International and Netflix v Commission

(Case T-818/16) ⁽¹⁾

(Action for annulment — State aid — Aid planned by Germany to fund film production and distribution — Decision declaring aid compatible with the internal market — Act not of individual concern — Regulatory act entailing implementing measures — Inadmissibility)

(2018/C 231/29)

Language of the case: English

Parties

Applicants: Netflix International BV (Amsterdam, Netherlands), Netflix, Inc. (Los Gatos, California, United States) (represented by: C. Alberdingk Thijm, S. van Schaik, S. van Velze and E.H. Janssen, lawyers)

Defendant: European Commission (represented by: J. Samnadda, G. Braun and B. Stromsky, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Commission Decision (EU) 2016/2042 of 1 September 2016 on the aid scheme SA.38418 — 2014/C (ex 2014/N) which Germany is planning to implement for the funding of film production and distribution (OJ 2016 L 314, p. 63).

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible;
2. Declares that there is no need to rule on the applications to intervene lodged by the Federal Republic of Germany, the French Republic, the Kingdom of the Netherlands and the Filmförderungsanstalt;
3. Orders Netflix International BV and Netflix, Inc. to bear their own costs and to pay those incurred by the European Commission, with the exception of those relating to the applications to intervene;