5. Orders the Commission to bear 50 % of its own costs.

Judgment of the General Court (Eighth Chamber) of 24 March 2011 — FRA.BO v Commission

(Case T-381/06)

(Competition — Agreements, decisions and concerted practices — Copper and copper alloy fittings sector — Decision finding an infringement of Article 81 EC — Fines — Leniency Notice — Guidelines on the method of setting fines — Attenuating circumstances — Immunity from fines — Legitimate expectations — Equal treatment)

1. *Community law — Principles — Protection of legitimate expectations — Limits — Prevention of infringements of the competition rules — Determination of the amount of fines — Method of calculating fines — Discretion of the institutions — Leniency notice not relevant (Commission Communication 96/C 207/04) (see paras 93-94)*

2. *Competition — Fines — Amount — Determination — Criteria — Reduction of the fine for cooperation of the fined undertaking — Conditions — Discretion of the Commission — Quality and usefulness of the information supplied taken into account (Commission Communication 96/C 207/04, Title D, Section 2) (see para. 96)*

3. *Competition — Fines — Amount — Determination — Reduction of the fine in return for the cooperation of the undertaking concerned — Discretion of the Commission — Comparisons between the facts of different cases — Indicative character — Factors to be taken into consideration — Breach of the principle of equal treatment — None (Commission Communication 96/C 207/04, Title D, Section 2) (see paras 101, 103-104)*

Re:

APPLICATION for annulment in part of Commission Decision C(2006) 4180 of 20 September 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F-1/38.121 – Fittings), and also, in the alternative, for a reduction in the fine imposed on the applicant in that decision.

Operative part

1. Dismisses the action;

2. Orders FRA.BO SpA to pay the costs.

Judgment of the General Court (Sixth Chamber) of 24 March 2011 — XXXLutz Marken v OHIM – Natura Selection (Linea Natura Natur hat immer Stil)

(Case T-54/09)

(Community trade mark — Opposition proceedings — Application for Community figurative mark Linea Natura Natur hat immer Stil — Earlier Community figurative mark natura selection — Relative ground for refusal — Likelihood of confusion — Similarity of signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Similarity of the marks concerned — Criteria for assessment — Complex mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 38, 41, 43-44)*