

Finally, the applicant claims that the Commission infringed Article 23(2) and (3) of Regulation No 1/2003, the Commission's Fining Guidelines and fundamental principles of the setting of fines, in particular the principles of equal treatment and proportionality by considering a disproportionate value of sales and by disregarding the alleged infringement's limited links to the EEA.

<sup>(1)</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

<sup>(2)</sup> Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (OJ 2006 C 210, p. 2).

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**Action brought on 25 June 2018 — Intas Pharmaceuticals v EUIPO — Laboratorios Indas (INTAS)**

**(Case T-380/18)**

(2018/C 294/68)

*Language of the case: English*

**Parties**

*Applicant:* Intas Pharmaceuticals Ltd (Ahmedabad, India) (represented by: M. Edenborough, QC)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Laboratorios Indas, SA (Pozuelo de Alarcón, Spain)

**Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* Application for European Union word mark INTAS — Application for registration No 14 153 811

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 16 April 2018 in Case R 815/2017-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- in the alternative, alter the contested decision to the state that the opposition shall be remitted to the Opposition Division for it to reconsider the opposition;
- order EUIPO to pay the applicant's costs of and occasioned by this application and the costs before the Board;
- in the alternative, if the other party before the Board intervenes, then order EUIPO and the intervener jointly and severally to pay the applicant's costs of and occasioned by this application and the costs before the Board.

**Plea in law**

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 26 June 2018 — Sta\*Ware EDV Beratung v EUIPO — Accelerate IT Consulting (businessNavi)****(Case T-383/18)**

(2018/C 294/69)

*Language in which the application was lodged: German***Parties**

*Applicant:* Sta\*Ware EDV Beratung GmbH (Starnberg, Germany) (represented by: M. Bölling and M. Graf, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Accelerate IT Consulting GmbH (Ahlen, Germany)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* EU figurative mark businessNavi — EU trade mark No 9 155 698

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 2 May 2018 in Case R 434/2017-5

**Form of order sought**

The applicant claims that the Court should:

— annul the contested decision, in so far as it annulled the decision of the Cancellation Division of 16 February 2017 (Cancellation No 12 336 C) and declared that EU trade mark No 9 155 698 businessNavi (figurative mark) should remain registered for the following services in Class 42:

*Updating of computer software, consultancy in the field of computer hardware, computer software consultancy, computer systems analyses, computer systems design, data management on servers, computer programming services, computer consultancy (information technology services), computer programming, hardware and software consultancy, implementation of computer programs on networks, installation and maintenance of software for internet access, installation of computer programs, configuration of computer networks using software, performance monitoring and analysis of network operations, server administration, technical project management in the field of computer processing;*

— order EUIPO to pay the costs.