

**Details of the proceedings before EUIPO**

*Applicant:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* EU position mark (Representation of a bar on the side of a shoe) — Application No 10 263 895

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 6 July 2016 in Case R 408/2015-4

**Form of order sought**

The applicant claims that the Court should:

- amend the contested decision so that the decision of the Opposition Division of 23 December 2014 is annulled, opposition B 001919210 accepted and EU trade mark application No 10 263 895 rejected;
- in the alternative, annul the decision of the Fourth Board of Appeal of 6 July 2016 in Case R 408/2015-4;
- order EUIPO to pay the costs.

**Pleas in law**

- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Rules 19(2) and 20(1) and (2) of Regulation (EC) No 2868/95, Articles 151(1) and (2) of Regulation No 207/2009, and the principles of legal certainty and non-retroactivity.

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**Action brought on 8 September 2016 — GEA Group v Commission**  
**(Case T-640/16)**

(2016/C 392/64)

*Language of the case: English*

**Parties**

*Applicant:* GEA Group AG (Düsseldorf, Germany) (represented by: I. du Mont and C. Wagner, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the European Commission of 29 June 2016, C(2016)3920, amending decision C(2009)8682 final of 11 November 2009 relating to a proceeding of the EC Treaty and Article 53 of the EEA (AT.38589 — Heat Stabilisers);
- in the alternative, reduce the amount of the fine and set a new date for due payment and interest (after adoption of the contested decision), and
- order the European Commission to pay the applicant's costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging that the European Commission violated Article 25 of 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, by adopting the contested decision although the limitation period had elapsed.
2. Second plea in law, alleging that the contested decision violates Article 266(1) TFUE and the applicant's right of defence as the applicant was not granted the opportunity to develop its views orally.
3. Third plea in law, alleging that the Commission violated Article 23(2) and (3) of Regulation No 1/2003 as it did not apply the 10 % cap to the applicant, and as it applied the cap to another infringer to the detriment of the applicant.
4. Fourth plea in law, alleging that the Commission infringed the principle of equal treatment as it held the applicant solely liable for a conduct for which other infringers were found to be responsible while the applicant's liability is only derivative, and because it distributed the extra burden arising from the other infringer's reduced liability exclusively to the detriment of the applicant.
5. Fifth plea in law, alleging that the Commission acted *ultra vires* by setting retroactively a deadline for payment for a date at which no valid legal basis for payment existed, and that the Commission failed to state reasons according to Article 296(2) TFUE as it did not explain for what reasons it deviates from its practice.

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**Action brought on 12 September 2016 — Iame v EUIPO — Industrie Aeronautiche Reggiane (Parilla)****(Case T-642/16)**

(2016/C 392/65)

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

*Applicant:* Iame SpA (Milan, Italy) (represented by: M. Mostardini, G. Galimberti, F. Mellucci and R. Kakkar, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Industrie Aeronautiche Reggiane Srl (Reggio Emilia, Italy)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* European Union figurative mark containing the word element 'Parilla' — European Union trade mark No 3 065 182

*Procedure before EUIPO:* Revocation proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 23 June 2016 in Case R 608/2015-1