

**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.

**Plea in law**

- Infringement of Articles 58(1)(a) and 18 of Regulation (EU) 2017/1001 of the European Parliament and of the Council, in conjunction with Rule 22(3) and (4) and Rule 40(5) of Commission Regulation (EC) No 2868/95.

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**Action brought on 27 June 2018 — Iccrea Banca v Commission and SRB****(Case T-386/18)**

(2018/C 294/70)

*Language of the case: Italian***Parties**

*Applicant:* Iccrea Banca SpA Istituto Centrale del Credito Cooperativo (Rome, Italy) (represented by: P. Messina, F. Isgrò and A. Dentoni Litta, lawyers)

*Defendants:* European Commission, Single Resolution Board

**Form of order sought**

The applicant claims that the Court should:

- annul, under Article 263 TFEU, Single Resolution Board Decision No SRB/ES/SRF/2018/03 of 12 April 2018 and, as appropriate, the annexes thereto, as well as any subsequent decisions of the Single Resolution Board, even those of which the applicant is not aware, on the basis of which the Banca d'Italia adopted measures No 0517765/18 of 27 April 2018 and No 0646641/18 of 28 May 2018;
- order the payment of compensation under Article 268 TFEU to ICCREA Banca for the damage caused to it, consisting of the higher rates paid, by the Single Resolution Board when determining the contributions owed by the applicant;
- in the alternative, and in the event that the above claims are rejected, declare Article 5(1)(a) and (f) (or, as the case may be, the Regulation in its entirety) invalid, as being contrary to the basic principles of equality, non-discrimination and proportionality;
- in any event, order the Single Resolution Board to pay the costs occasioned by the present proceedings.

**Pleas in law and main arguments**

The present action is brought against Single Resolution Board Decision No SRB/ES/SRF/2018/03 of 12 April 2018 and the annexes thereto, as well as any subsequent decisions of the Single Resolution Board, even those of which the applicant is not aware, on the basis of which the contributions under Delegated Regulation (EU) 2015/63 <sup>(1)</sup> were determined in regard to the applicant.

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

1. First plea in law, alleging (i) failure to carry out a proper enquiry, (ii) error of assessment of the facts, (iii) infringement and misapplication of Article 5[(1)](a) of Regulation 2015/63, and (iv) infringement of the principles of non-discrimination and sound administration.
  - The applicant claims in this regard that the Single Resolution Board erred in its application of Article 5[(1)](a) of Regulation 2015/63 when determining the amount of the contributions owed by the applicant by not having taken intragroup liabilities into consideration.