

2. Second plea in law, alleging that the Council violated the applicant's rights of defence and the right to effective judicial protection. The applicant has, at no stage, been given 'serious and credible evidence' or 'concrete evidence and information' in support of a case which would justify restrictive measures against it, as required by the case law of the Court.
3. Third plea in law, alleging the Council failed to give the applicant sufficient reasons for its inclusion.
4. Fourth plea in law, the Council severely infringed the applicant's fundamental rights to property and reputation. The restrictive measures were imposed without proper safeguards enabling the applicant to put its case effectively to the Council. The Council has not demonstrated that the very significant interference with the applicant's property rights is justified and proportionate. The interference with the applicant extends beyond a financial impact, and has also resulted in damage to its reputation.
5. Fifth plea in law, alleging that the Council made a manifest error of assessment. Contrary to the sole reason for his inclusion, there is no information or evidence available that the applicant has in fact provided 'support to the Syrian regime' and to has benefited from the regime. The Council has also wrongly identified the applicant as 'Tri Ocean Trading a.k.a. Tri-Ocean Energy' suggesting that the two legal persons are the same. The applicant is a separate company, distinct from Tri Ocean Trading.

Action brought on 24 October 2014 — Gazprom Neft v Council

(Case T-735/14)

(2014/C 448/44)

Language of the case: English

Parties

Applicant: Gazprom Neft OAO (Saint Petersburg, Russia) (represented by: L. Van den Hende and S. Cogman, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Article 4 of Council Decision 2014/512/CFSP of 31 July 2014;
- annul Article 3 and paragraphs 3 and 4 of Article 4 of Council Regulation (EU) No 833/2014 of 31 July 2014; and
- order the Council to pay the costs of the Applicant in the present proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging a breach of Article 296 TFEU.
 - The Applicant claims that contested CFSP Decision and the contested Regulation do not provide sufficient reasoning and therefore breach Article 296 TFEU.

2. Second plea in law, alleging an inappropriate legal basis for the contested provisions.

— The Applicant claims that Article 215 TFEU is an inappropriate legal basis for the contested provisions of the contested Regulation since there are insufficient links between the Applicant and (i) the Russian Government and (ii) the apparent objective that the sanctions seek to achieve. These principles should also govern the use of Article 29 TEU as a legal basis for restrictive measures against third countries.

3. Third plea in law, alleging a breach of the principle of proportionality and of and fundamental rights.

— The Applicant claims that the contested provisions are inconsistent with the principle of proportionality and fundamental rights. The contested provisions are a disproportionate interference with Applicant's freedom to conduct a business and the Applicant's right to property since they are not appropriate to achieve their objectives (and therefore are also not necessary) and, in any event, impose burdens that very significantly outweigh any possible benefits.

Action brought on 27 October 2014 — Monster Energy v OHIM — Home Focus (MoMo Monsters)

(Case T-736/14)

(2014/C 448/45)

Language in which the application was lodged: English

Parties

Applicant: Monster Energy Company (Corona, United States) (represented by: P. Brownlow, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal: Home Focus Development Ltd (Tortola, British Virgin Islands)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: The word mark 'MoMo Monsters' — Community trade mark application No 10 513 372

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of OHIM of 7 August 2014 in Case R 1167/2013-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM to pay the costs.

Plea in law

— Infringement of Articles 8(1)(b) and 8(5) of Regulation No 207/2009.
