

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.
