

3. Third plea in law, alleging breach of the principle of proportionality:

- The Commission infringed the principle of proportionality, by imposing on BES the unilateral and entire burden of charges that, considering the current financial situation of BES as an institution that is the subject of a resolution action, not only appear extremely onerous and substantial, but also exceed the limits of proportionality in the strict sense;
- That is all the more so since, according to BES, the responsibility for those expenses, as it has not been assumed by the Portuguese State by way of commitments, falls to the European Commission itself, under its responsibilities regarding the resolution of banking institutions and the commitments made by the Member States in the context of those measures.

Action brought on 8 January 2015 — Auyantepui Corp. v OHIM — Magda Rose (Mr Jones)

(Case T-8/15)

(2015/C 118/39)

Language in which the application was lodged: English

Parties

Applicant: Auyantepui Corp., SA (Panama, Panama) (represented by: E. Manresa Medina, lawyer)

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

Other party to the proceedings before the Board of Appeal: Magda Rose GmbH & Co. KG (Vienna, Austria)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word elements 'Mr Jones' — Application for registration No 10 669 794

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of OHIM of 28 October 2014 in Case R 49/2014-2

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision and grant the application for the trade mark;
- Order OHIM and the other party, should it intervene, to pay the costs.

Pleas in law

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