

- annul the contested decision;
- order EUIPO and, as the case may be, the intervener to bear their own costs and pay those of the applicant.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 22 December 2020 — Monster Energy v EUIPO — Frito-Lay Trading Company (MONSTER)**(Case T-758/20)**

(2021/C 53/79)

*Language of the case: English***Parties**

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

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Frito-Lay Trading Company GmbH (Bern, Switzerland)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union word mark MONSTER — European Union trade mark No 9 492 158

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 5 October 2020 in Case R 2927/2019-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Cancellation Division of 22 October 2019 to the extent that it revoked the Registration for goods in Class 30;
- dismiss the application for revocation of the Registration for goods in Class 30;
- order EUIPO to bear its own costs of the proceedings and pay those of the applicant.

Plea in law

- Incorrect application of Article 58(1)(a) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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