

JUDGMENT OF THE COURT OF FIRST INSTANCE (Second Chamber)

19 September 2001 \*

In Case T-119/00,

**Procter & Gamble Company**, established in Cincinnati, Ohio (United States of America), represented by C. van Nispen and G. Kuipers, lawyers, with an address for service in Luxembourg,

applicant,

v

**Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**, represented by A. von Mühlendahl, D. Schennen and C. Røhl Søberg, acting as Agents,

defendant,

**ACTION** brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 29 February 2000 (Case R-519/1999-1), which was notified to the applicant on 3 March 2000,

\* Language of the case: English.

THE COURT OF FIRST INSTANCE  
OF THE EUROPEAN COMMUNITIES (Second Chamber),

composed of: A.W.H. Meij, President, A. Potocki and J. Pirrung, Judges,  
Registrar: D. Christensen, Administrator,

having regard to the application lodged at the Registry of the Court on 3 May 2000,

having regard to the response lodged at the Registry of the Court on 28 July 2000,

further to the hearing on 5 April 2001,

gives the following

**Judgment <sup>1</sup>**

...

<sup>1</sup> — The facts, arguments of the parties and the grounds of this judgment are identical or similar to those in the judgment in Case T-118/00 *Procter & Gamble v OHIM* (square tablet, white with green speckles and pale green) [2001] ECR II-2731, II-2735. The only differences in comparison with that judgment result from the appearance of the three-dimensional marks for which registration was sought, namely, in this instance, the shape of a square tablet with yellow and blue speckles.

On those grounds,

THE COURT OF FIRST INSTANCE (Second Chamber),

hereby:

1. Dismisses the action;
2. Orders the parties to bear their own costs.

Meij

Potocki

Pirrung

Delivered in open court in Luxembourg on 19 September 2001.

H. Jung

Registrar

A.W.H. Meij

President