JUDGMENT OF THE COURT OF FIRST INSTANCE (Second Chamber)
19 September 2001 *

In Case T-335/99,

Henkel KGaA, established in Düsseldorf (Germany), represented by H.-F. Wissel and C. Osterrieth, 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 S. Laitinen, acting as Agents,

defendant,

* Language of the case: German.

ACTION brought against the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 21 September 1999 (Case R-70/1993-3), which was notified to the applicant on 28 September 1999,

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 26 November 1999,

having regard to the response lodged at the Registry of the Court on 17 February 2000,

further to the hearing on 5 April 2001,

gives the following

Judgment [1]

...

On those grounds,

THE COURT OF FIRST INSTANCE (Second Chamber),

hereby:

1. Dismisses the action;

1 — The facts, arguments of the parties and grounds of this judgment are identical or similar to those in the judgment in Case T-337/99 *Henkel* v *OHIM* (red and white round tablet) [2001] ECR II-2597, ECR II-2601. The only differences between the judgments are accounted for by the appearance of the three-dimensional trade marks for which registration was sought, namely, in this case, the shape of a rectangular tablet with two layers, one white and the other red.

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