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

In Case T-121/00,

**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,

* Language of the case: English.

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-529/1999-1), which was notified to the applicant on 3 March 2000,

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 [1]

...

On those grounds,

THE COURT OF FIRST INSTANCE (Second Chamber),

hereby:

**1. Dismisses the action;**

1 — 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, ECR 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 green and blue speckles.

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