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

In Case T-117/00,

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 8 March 2000 (Case R-509/1999-1), which was notified to the applicant on 13 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 [1]

...

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 trade marks for which registration was sought, namely, in this instance, the shape of a square tablet with two layers, one white and the other pale green.

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