

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Dimosia Epicheirisi Ilektrismou AE (DEI), in addition to bearing its own costs, to pay those incurred by the European Commission;
3. Declares that the Hellenic Republic is to bear its own costs.

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<sup>(1)</sup> OJ C 11, 16.1.2010.

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**Judgment of the General Court of 15 December 2016 — Mondelez UK Holdings & Services v  
EUIPO — Société des produits Nestlé (Shape of a chocolate bar)**

(Case T-112/13) <sup>(1)</sup>

*(EU trade mark — Invalidity proceedings — Three-dimensional mark — Shape of a chocolate bar — Absolute ground for refusal — No distinctive character — Distinctive character acquired through use — Article 7(1)(b) and (3) of Regulation (EC) No 207/2009 — Article 52(1) and (2) of Regulation No 207/2009)*

(2017/C 038/30)

Language of the case: English

**Parties**

*Applicant:* Mondelez UK Holdings & Services Ltd, formerly Cadbury Holdings Ltd (Uxbridge, United Kingdom) (represented by: T. Mitcheson QC, P. Walsh, J. Blum, and S. Dunstan, Solicitors, and D. Byrne, Barrister)

*Defendant:* European Union Intellectual Property Office (represented by: A. Folliard-Monguiral, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Société des produits Nestlé SA (Vevey, Switzerland) (represented initially by G. Vos, M. Bakker and J. van den Berg, lawyers, and subsequently by G. Vos, S. Malynicz QC, T. Scourfield and T. Reid, Solicitors)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 11 December 2012 (Case R 513/2011-2), relating to invalidity proceedings between Cadbury Holdings and Société des produits Nestlé.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 11 December 2012 (Case R 513/2011-2);
2. Orders EUIPO to bear its own costs and to pay those incurred by Mondelez UK Holdings & Services Ltd;
3. Orders Société des produits Nestlé SA to bear its own costs.

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<sup>(1)</sup> OJ C 123, 27.4.2013.