

2. Dismisses the action as to the remainder;
3. Orders the European Commission to bear its own costs and to pay those incurred by Firma Léon Van Parys NV;
4. Orders the Kingdom of Belgium to bear its own costs.

(¹) OJ C 274, 9.10.2010.

**Judgment of the General Court of 22 March 2013 —
Bottega Veneta International v OHIM (Shape of a handbag)**

(Case T-409/10) (¹)

(Community trade mark — Application for a three-dimensional Community trade mark — Shape of a handbag — Absolute grounds for refusal — Lack of distinctive character — Lack of distinctive character acquired through use — Article 7(1)(b) and Article 7(3) of Regulation (EC) No 207/2009 — Failure to take account of an element of the trade mark applied for — Rule No 9 of Regulation (EC) No 2868/95)

(2013/C 129/28)

Language of the case: Italian

Parties

Applicant: Bottega Veneta International Sàrl (Luxembourg, Luxembourg) (represented by: P. Roncaglia, G. Lazzeretti, M. Boletto and E. Gavuzzi, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Mannucci, acting as Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 16 June 2010 (Case R 1247/2009-1), concerning an application for registration of a three-dimensional sign in the shape of a handbag as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Bottega Veneta International Sàrl to pay the costs.

(¹) OJ C 301, 6.11.2010.

**Judgment of the General Court of 22 March 2013 —
Bottega Veneta International v OHIM (Shape of a bag)**

(Case T-410/10) (¹)

(Community trade mark — Application for a three-dimensional Community trade mark — Shape of a bag — Absolute grounds for refusal — Lack of distinctive character — Lack of distinctive character acquired through use — Article 7(1)(b) and Article 7(3) of Regulation (EC) No 207/2009 — Failure to take account of an element of the trade mark applied for — Rule No 9 of Regulation (EC) No 2868/95)

(2013/C 129/29)

Language of the case: Italian

Parties

Applicant: Bottega Veneta International Sàrl (Luxembourg, Luxembourg) (represented by: P. Roncaglia, G. Lazzeretti, M. Boletto and E. Gavuzzi, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Mannucci, acting as Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 16 June 2010 (Case R 1539/2009-1), concerning an application for registration of a three-dimensional sign in the shape of a bag as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bottega Veneta International Sàrl to pay the costs.

(¹) OJ C 301, 6.11.2010.