

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Pink Lady America LLC to pay the costs.*

(¹) OJ C 152, 30.4.2018.

Judgment of the General Court of 24 September 2019 — Roxtec v EUIPO — Wallmax (Representation of a black square containing seven concentric blue circles)

(Case T-261/18) (¹)

(EU trade mark — Invalidity proceedings — EU figurative trade mark depicting a black square containing seven concentric blue circles — Absolute ground for refusal — Sign consisting exclusively of the shape of goods which is necessary to obtain a technical result — Article 7(1)(e)(ii), of Regulation (EU) 2017/1001)

(2019/C 423/43)

Language of the case: English

Parties

Applicant: Roxtec AB (Karlskrona, Sweden) (represented by: J. Olsson and J. Adamsson, lawyers)

Defendant: European Union Intellectual Property Office (represented by: V. Ruzek and H. O'Neill, Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Wallmax Srl (Milan, Italy) (represented by: F. Ferrari and L. Goglia, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 8 January 2018 (Case R 940/2017-2), relating to invalidity proceedings between Wallmax and Roxtec.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Roxtec AB to pay its own costs along with those incurred by the European Union Intellectual Property Office (EUIPO);*
3. *Orders Wallmax Srl to pay its own costs.*

(¹) OJ C 231, 2.7.2018.