

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Sociedad General de Aguas de Barcelona, SA (Barcelona, Spain) (represented by: J. Grau Mora, C. Viola Zendera and A. Torrente Tomás, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 13 March 2014 (Case R 1209/2013-1), relating to opposition proceedings between Sociedad General de Aguas de Barcelona, SA and FCC Aqualia, SA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders FCC Aqualia to pay the costs.

⁽¹⁾ OJ C 261, 11.8.2014.

Judgment of the General Court of 24 February 2016 — Coca-Cola v OHIM (Shape of a contour bottle without fluting)

(Case T-411/14) ⁽¹⁾

(Community trade mark — Application for three-dimensional Community trade mark — Shape of a contour bottle without fluting — Absolute ground for refusal — No distinctive character — Article 7(1) (b) of Regulation (EC) No 207/2009 — No distinctive character acquired through use — Article 7(3) of Regulation No 207/2009)

(2016/C 118/28)

Language of the case: English

Parties

Applicant: The Coca-Cola Company (Atlanta, United States) (represented by: D. Stone, A. Dykes, Solicitors, and S. Malynicz, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Geroulakos and A. Folliard-Monguiral, acting as Agents)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 27 March 2014 (Case R 540/2013-2), concerning proceedings for the registration as a Community trade mark of a three-dimensional sign consisting of the shape of a contour bottle.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders The Coca-Cola Company to pay the costs.

⁽¹⁾ OJ C 282, 25.8.2014.