

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 18 October 2004 (Case R 542/2002-2);
2. Orders OHIM to bear its own costs and to pay those incurred by the applicant, Merant GmbH;
3. Orders the intervener, Focus Magazin Verlag GmbH, to bear its own costs.

(¹) OJ C 82 of 2.4.2005.

Judgment of the Court of First Instance (Second Chamber) of 22 May 2007 — Commission v IIC

(Case T-500/04) (¹)

(Arbitration clause — Jurisdiction of the Court of First Instance — Repayment of the advance paid by the Community for projects financed in the domain of trans-European telecommunications networks — Forfeiture — Eligibility of the costs purportedly incurred)

(2007/C 155/40)

Language of the case: German

Parties

Applicant: Commission of the European Communities (represented by: G. Braun, W. Wils and N. Knittlmayer, acting as Agents)

Defendant: IIC Informations-Industrie Consulting GmbH (established in Königswinter, Germany) (represented by: E. Rott and J. Wolff, lawyers)

Re:

Application under Article 238 EC for an order requiring the defendant to repay part of the advance paid by the Community in implementation of two financing contracts in relation to cultural programmes.

Operative part of the judgment

The Court:

1. Orders IIC Informations-Industrie Consulting GmbH to pay the Commission of the European Communities the principal sum due of EUR 179 337, together with default interest at 4 % per annum as from 1 November 1998 until full payment of the sums due;
2. Dismisses the action as to the remainder;

3. Dismisses the application by IIC Informations-Industrie Consulting GmbH for suspension of enforcement of this judgment;

4. Orders IIC Informations-Industrie Consulting GmbH to pay the costs.

(¹) OJ C 82, 2.4.2005.

Judgment of the Court of First Instance of 16 May 2007 — La Perla v OHIM — Worldgem Brands (NIMEI LA PERLA MODERN CLASSIC)

(Case T-137/05) (¹)

(Community trade mark — Cancellation proceedings — Community word mark NIMEI LA PERLA MODERN CLASSIC — Earlier national figurative and word marks la PERLA and LA PERLA PARFUMS — Relative grounds for refusal — Article 52(1)(a) of Regulation (EC) No 40/94 — Article 8(5) of Regulation No 40/94)

(2007/C 155/41)

Language of the case: Italian

Parties

Applicant: Gruppo La Perla SpA (Bologna, Italy) (represented by: R. Morresi and A. Dal Ferro, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially M. Capostagno, and subsequently O. Montalto, Agents)

Other party to the proceedings before the OHIM Board of Appeal, intervener before the Court of First Instance: Worldgem Brands — Gestão e Investimentos L^{da}, formerly Cielo Brands — Gestão e Investimentos L^{da}, (Madeira, Portugal) (represented by: G. Bozzola et C. Bellomunno, lawyers)

Re:

Appeal lodged against the decision of the First Board of Appeal of OHIM of 25 January 2005 (Case R 537/2004-1) relating to cancellation proceedings between Gruppo La Perla SpA and Worldgem Brands — Gestão e Investimentos L^{da}.

Operative part of the judgment

1. The decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 25 January 2005 (Case R537/2004-1) is annulled.
2. The intervener is ordered to bear its own costs and to bear one third of the applicant's costs.