

**Re:**

APPLICATION for the suspension of operation of Article 2(1) in combination with Article 1(2) to (4) of the Commission's decision concerning State aid (C 11/2004 (ex NN 4/2003) – Olympic Airways – Restructuring and privatisation) of 14 September 2005.

**Operative part**

The Court:

1. Dismisses the application for interim measures;
2. Reserves the costs.

**Judgment of the Court of First Instance (Fourth Chamber) of 1 February 2007  
— Commission v IAMA Consulting**

**(Case T-242/04)**

Esprit Programme — Community financing — Counterclaim brought pursuant to an arbitration clause — Reimbursement of excessive amounts of aid paid by the Commission

*Procedure — Referral to the Court of First Instance under an arbitration clause (Art. 238 EC) (see paras 21-23)*

**Re:**

APPLICATION by the Commission for an order that IAMA Consulting Srl reimburse the amount that the Commission unduly paid to it in the course of the performance of the Regis 22337 contract and the Refiag 23200 contracts, which are covered by the Community's Esprit Programme.

## **Operative part**

The Court:

1. Orders IAMA Consulting Srl to pay the Commission the sum of EUR 31 757 together with default interest of EUR 4.78530 per day from 16 May 2004 until payment of the final balance, relating to the Refiag contract, from which the sums paid to date by IAMA are to be deducted, and the sum of EUR 164 345, together with default interest of EUR 24.76432 per day from 16 May 2004 until payment of the final balance, relating to the Regis contract, from which the payments made by IAMA to date are to be deducted;
2. Orders IAMA Consulting to bear its own costs and to pay half of the costs incurred by the Commission;
3. Orders the Commission to bear half of its own costs.

**Judgment of the Court of First Instance (Fourth Chamber) of 8 February 2007  
— Quelle v OHIM — Nars Cosmetics (NARS)**

**(Case T-88/05)**

Community trade mark — Opposition proceedings — Application for the figurative  
Community trade mark NARS — Earlier figurative national marks including the  
word element MARS — Relative ground for refusal — Likelihood of confusion —  
Absence of similarity between the signs — Article 8(1)(b) of  
Regulation (EC) No 40/94