

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

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 69-71)

Re:

ACTION for annulment of the decision of the Second Board of Appeal of OHIM of 17 December 2004 (Case R 379/2004-2) relating to opposition proceedings between Quelle AG and Nars Cosmetics, Inc.

Information relating to the case

Applicant for the Community trade mark:	Nars Cosmetics, Inc.
Community trade mark sought:	Figurative mark 'NARS' for goods in Classes 3, 18 and 25 — Application No 1333657
Proprietor of the mark or sign cited in the opposition proceedings:	Quelle AG
Mark or sign cited in opposition:	National figurative mark 'MARS' for goods in Class 25
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.