

In the further alternative, Belgium submits that, contrary to the conclusion reached by the Commission, the rate of the interest claimed is variable. In consequence, it claims that the Court should order the Commission to reimburse the excess interest that Belgium has paid on the debts at issue.

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- (¹) Council Regulation (EEC) No 2950/83 of 17 October 1983 on the implementation of Decision 83/516/EEC the tasks of the European Social Fund (OJ L 289, 22.10.1983, p. 1).
- (²) Commission Decision 83/673/EEC of 22 December 1983 on the management of the European Social Fund (ESF) (OJ L 377, 31.12.1983, p. 1).
- (³) Order of the Court of First Instance in Case T-134/05 *Belgium v Commission* [2006] ECR II-0000.
- (⁴) Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).
- (⁵) Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31.12.2002, p. 1).

Action brought on 2 January 2007 — Galderma v OHIM — Lelas (Nanolat)

(Case T-6/07)

(2007/C 56/64)

Language in which the application was lodged: German

Parties

Applicant: Galderma SA (Cham, Switzerland) (represented by N. Hebeis, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal of OHIM: Tihomir Lelas

Form of order sought

- annul the decision of the Fourth Board of Appeal of 25 October 2006 in Case R 0146/2006-4 in so far as the opposition against the goods 'Pharmaceuticals; pharmaceutical and veterinary products and preparations for health care; soaps; cosmetics and hair lotions' was rejected;
- refuse Community trade mark application 003088986 NANOLAT for the goods mentioned above;
- order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Tihomir Lelas

Community trade mark concerned: Word mark Nanolat for goods in Classes 1, 3 and 5 (application No 3 088 986)

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: German word mark TANNOLACT for goods in Class 5

Decision of the Opposition Division: Opposition rejected

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 40/94, (¹) as there is a likelihood of confusion between the opposing marks

(¹) Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ L 11, 1994, p. 1).

Action brought on 4 January 2007 — Torres v OHIM— Gala-Salvador Dalí (TG Torre Galatea)

(Case T-8/07)

(2007/C 56/65)

Language in which the application was lodged: Spanish

Parties

Applicant: Miguel Torres S.A. (Barcelona, Spain) (represented by: E. Armijo Chávarri, M.A Baz de San Ceferino, and A. Castán Pérez-Gómez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: Fundación Gala-Salvador Dalí

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office of 24 October 2006 in case R 168/2006-2
- Order expressly that the Office pay the costs

Pleas in law and main arguments

Applicant for a Community trade mark: Fundación Gala-Salvador Dalí

Community trade mark concerned: The figurative mark 'TG Torre Galatea' for goods in Class 33 (application No 2730513)