

BL O/0006/26

THE MATTER OF THE TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK REGISTRATION NUMBER 3,742,755 IN THE
NAME OF ONYINYE UDOKPORO

AND IN THE MATTER OF AN APPLICATION FOR DECLARATION OF INVALIDITY
UNDER NO 507,337 IN THE NAME OF ENRICH INTERNATIONAL LTD

AND IN THE MATTER OF AN APPEAL FROM THE DECISION OF KATHRYN
SERRAVALLE (O/648/25) DATED 16 JULY 2025

DECISION ON COSTS

1. In my original decision *enrich LEARNING* (O/1141/25) I dismissed the appeal and found that certain references and quotations relied upon by the Appellant did not in fact exist. Following my earlier decision in *Pro Health Solutions* [2025] RPC 14, I held that where a party cannot provide the authorities they rely upon in their written submissions or skeleton then their conduct will usually be unreasonable within the meaning of Tribunal Practice Notice 1/2023 and “off-scale” costs are appropriate.
2. I therefore asked the Respondent to provide a Schedule of Costs for this matter. This was duly provided. I sought representations from both sides as to what costs order should be made. The Respondent provided no further submissions whereas the Appellant explained she would struggle to pay the costs set out in the Schedule. While I have great sympathy with the financial difficulties an adverse costs order can have on a small business, whether off-scale or not, legal costs cannot be waived or reduced on the grounds of financial hardship alone.
3. The Schedule of Costs provided by the legal representatives of the Respondent included two fee earners: one a solicitor Grade A (8+ years experience) and the other a Trade Mark Attorney Grade B (4-8 years experience). It was also apparent that the Respondent was invoiced from their lawyer’s Manchester Office.
4. As a starting point for assessing costs in this matter, it seems appropriate to apply the *Guideline for Solicitor’s guideline hourly rates* which is used by the court for carrying out summary assessment. The current guideline rate for a Grade A solicitor based in Manchester (National L1) is £295 per hour and for Grade B is £247 per hour.
5. According to the Schedule of Costs, 30mins were spent by the Grade A on the case and 5.25 hours were spent by the Grade B. Applying the guideline hourly rates, this makes a total £1,444.25. As the time spent on the case by the Respondent seems reasonable, I see no reason to reduce the costs recovered beyond rounding the figure down to £1,400.

6. I therefore order the Appellant to pay the Respondent to pay £1,400 by 4pm on 21 January 2026.

PHILLIP JOHNSON
THE APPOINTED PERSON
7 January 2025