

BL O/0858/23

TRADE MARKS ACT 1994

IN THE MATTER OF
Registration No. 3552152
OLIVIA BROWN
In the Name of Ieva Stelingyte
(Appellant/Registered Proprietor)

AND

AND IN THE MATTER OF
An Application for a Declaration of
Invalidity under No. CA505078
By Olivia Brown (Respondent/Cancellation Applicant)

AND

AND IN THE MATTER OF An Appeal
To the Appointed Person by
Ieva Stelingyte Against Decision O-912-22
Of Karol Thomas Dated 19th October 2022

DECISION ON COSTS

Introduction

1. By my Decision No. BL O/0794/23 I rejected the appeal of Ieva Stelingyte against Decision O-912-22 of Karol Thomas Dated 19th October 2022 in the matter of Cancellation (Invalidity) proceedings CA505078 and confirmed that Registration No. 3552152 OLIVIA BROWN in class 14 should be declared substantially invalid.
2. The Cancellation Applicant Ms Olivia Brown having been wholly successful in resisting the Appeal, Ms Brown is entitled to a contribution to her costs. In my Decision I ordered that Ms Brown could either submit the usual pro-forma of costs setting out any costs etc incurred or could confirm that she was content for me to make an award

pursuant to the Tribunal Practice Note TPN 2/2016. By an email dated 26 August 2023 Ms Brown confirmed that she was content for me to so proceed.

3. At first instance the Hearing Officer awarded Ms Brown costs of £1000. That order stands.
4. In the Appeal Ms Brown had to consider the Notice of Appeal and she prepared and submitted a Skeleton Argument. In addition she attended the Hearing itself, remotely.
5. On-scale costs for preparing for and attending a hearing are a maximum of £1900 per day. Typically, an unrepresented party's costs can be expected to be less than those of a represented party. That said, an unrepresented party may well spend more time on a matter, given the need to deal with what is a complex area of law and procedure.
6. Taking a broad-brush approach, I order that the Appellant should pay the Respondent £750 by way of costs for this appeal. This is in addition to the £1000 ordered by the Hearing Officer. The total costs award is therefore £1750. I order that the Appellant pays the Respondent the total costs of £1750 within 21 days of the date of this Decision on Costs.

Philip Harris
Appointed Person
11 September 2023