

**TRADE MARKS ACT 1994
IN THE MATTER OF REGISTRATION No. 2450593
IN THE NAME OF SULAH MIAH
AND
AN APPLICATION FOR RECTIFICATION UNDER NO. 83892
BY EIGHTEEN SIXTY-FOUR LIMITED**

SUPPLEMENTARY DECISION

1) On 24 February 2012 I issued decision O-081-12 which found in favour of Eighteen Sixty-Four Limited. At the hearing Counsel for Eighteen Sixty-Four Limited indicated that they would be requesting costs beyond the normal Registry scale. They were asked to provide a breakdown of the costs sought along with submissions as to why such costs should be granted. Mr Sulah Miah was also afforded the opportunity to respond to these but chose not to provide any comments. I do however take into account the written submissions provided just after the hearing by Mr Miah's Counsel regarding the general issue of costs.

2) The breakdown of costs provided includes costs incurred due to the hearing aborted in November 2011 at the request of Mr Miah. They also show the costs involved regarding the cross examination of all of the witnesses of Eighteen Sixty-Four Limited opponent provided a schedule of costs.

3) It is contended that the behaviour of Mr Miah in this case is such that an award of the full costs of the successful party is justified. I was referred to Noorani v Calver [2009] EWHC 592 (QB) referred to in the Notes to Part 44.4(3) page 1299-1300 of the White Book Vol. 1 and also to the Registry Decision O/307/11. In the instant case Mr Miah was found to have provided false testimony and to have sought to perpetrate a fraud on the Registry. As such I take the unusual action of awarding the full amount of costs incurred by the successful party.

4) I order the Mr Sulah Miah to pay Eighteen Sixty Four Limited the sum of £20,099.50 (Twenty thousand and ninety-nine pounds and fifty pence). This sum to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 21st day of March 2012

**G W Salthouse
For the Registrar
The Comptroller-General**