

BL O/0075/24
TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION ON COSTS

IN THE MATTER OF

**THE LATE FILING OF NOTICE OF DEFENCE FORM AND
COUNTERSTATEMENT**

IN RELATION TO:

TRADE MARK APPLICATION NO. 3887966

BY CHRISTINE SANGER

TO REGISTER THE TRADE MARK:

Camp Beagle

IN CLASS 25

AND

THE OPPOSITION THERETO

UNDER NO. 441379

BY PAULINE HODSON

BACKGROUND

1. On 18 January 2024, I issued a substantive decision in the above identified proceedings¹ in which I upheld the Tribunal's provisional view that the late-filed form TM8 and counterstatement of Christine Sanger ("the applicant") was not to be admitted into the proceedings. Therefore, subject to any successful appeal, the contested application is treated as abandoned. With regard to costs, in the decision I stated the following:

COSTS

29. Given that the outcome of this decision has terminated the proceedings, the opponent is entitled to a contribution towards its costs. However, as Ms Hodson is not professionally represented, as outlined in Tribunal Practice Notice ("TPN") 1/2023, before I can assess these costs, I invite Ms Hodson to submit a pro forma giving details of the costs she has incurred. I therefore defer my decision on costs pending the submission of the pro forma.

2. Ms Hodson ("the opponent") was provided with a copy of the costs proforma by the Tribunal and filed an amended completed copy of the same on 25 January 2024. I will now make a decision as to costs.

DECISION

3. I have set out below my assessment on the opponent's claim made. However, it should be noted that a costs award is intended to be a contribution towards costs rather than full compensation. I will make the award of costs on the basis of £19.00 per hour, which is the minimum rate of compensation allowed under The Litigants in Person (Costs and Expenses) Act 1975 (as amended).

4. The opponent claims the following:

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- £100 – the official fee for filing the notice of opposition. I acknowledge that a refund of £100 for the overpaid official fees is being processed.
- 4 hours for preparing the notice of opposition.
- 2 Hours for preparing a defence.
- 2 hours for considering forms filed by other party.
- 215 hours for preparing evidence and written submissions.
- £714 for solicitor’s costs for Tribunal hearing.

5. I acknowledge the time spent at the various stages of the opposition as indicated above, however, costs are meant to be contributory only. As such, I consider an award of costs for 12 hours to be a fair reflection of what I consider to be reasonable for an unrepresented party to spend on such proceedings. Although the actual solicitor’s costs for unrepresented parties are unrecoverable, I have taken into consideration the time spent in seeking such advice and have factored this into the overall time awarded of 12 hours.

6. I therefore award costs to the opponent on the following basis:

Official filing fee (TM7F)	£100
Time spent in preparing the opposition, and preparing for and attending the Joint hearing (12 hours x £19)	£228
Total (12 hours plus filing fee)	£328

7. I, therefore, order Christine Sanger to pay Pauline Hodson the sum of £328. This sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 31st day of January 2024

**Lee Scott
For the Registrar**