

**FOI Release**  
***Information released under the Freedom of Information Act***

**Title:** Awarding of costs

**Date of release:** 6 November 2015

**Information request:**

**A.** I would like to find out statistics about Award of Costs (AoC) deliberated by the Intellectual Property Office (IPO) in trade mark applicant versus opponent TMF7A then TM7 cases specifically at the stage after new trademark filed by applicant is opposed by the opponent and the applicant withdraws application without filing counter-statement by stipulated date. The statistics I am looking for are:

- (1) Maximum AoC amount granted by IPO to self-represented opponent
- (2) Maximum AoC amount granted by IPO to trademark attorney represented opponent
- (3) Minimum AoC amount granted by IPO to self-represented opponent
- (4) Minimum AoC amount granted by IPO to trademark attorney represented opponent

If you do not hold this information based on:

- (a) above stage of cases and instead hold information without particular stage or some other stage, and/or
- (b) do not make distinction in your held information whether self-represented opponent or trademark attorney represented opponent

Then I am still interested in whatever information about AoC amounts you hold.

**B.** What training material, guidance and quantifying factors to be considered, is given to hearing officers who conduct Award of Costs hearings at the IPO?

Also I would like to know if there is public information released about decisions on the IPO website about Award of Costs hearings.

**Information released:**

**A.** We do not keep statistics on the actual number of times costs are awarded in opposition/cancellation proceedings, but most cases will have costs awarded to one of the parties at the conclusion of the proceedings.

We will award on request costs on those cases where a defence is not filed along the following lines –

1. £100 plus statutory fee to self-represented opponent
  2. £200 plus statutory fee to legally represented opponent
- B.** Tribunal examiners and hearing officers will make decisions on costs based on the guidance provided at Chapter 5 of the Tribunal Work Manual and in Tribunal practice notices

(TPNs) 4/2007, 6/2008 and 2/2015.

You can find this information on our website at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/454221/Manual-of-trade-marks-practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/454221/Manual-of-trade-marks-practice.pdf) (Chapter 5, beginning on page 78) and at:  
<https://www.gov.uk/government/collections/tribunal-practice-notice> (for TPNs of 2015 and where you will also find a link to pre-2015 notices).