

O-126-20

**REGISTERED DESIGNS ACT 1949 (AS AMENDED)**

**IN THE MATTER of Registered Design No. 5004339 for JELLY  
LIPSTICK in the name of Kailijumei Limited**

**and**

**APPLICATION TO INVALIDATE (No. 8/17) by Egidijus Sipavicius**

**DECISION ON COSTS**

1. On 16 January 2020 in decision O-062-20, I allowed an appeal from decision O-798-18 dated 13 December 2018 by the Hearing Officer (Mr Allan James) acting for the Registrar of Designs. In consequence, the successful applicant for invalidation and appellant on the appeal, Mr Egidijus Sipavicius, is entitled to a contribution towards his costs incurred in the invalidation proceedings and on the appeal.
2. The costs in the Office should be assessed in accordance with the Office practice, which is (save in exceptional circumstances) to award so-called “scale” costs which represent a contribution towards the costs incurred rather than a full reimbursement. In relation to the costs of the appeal, it is the practice of the Appointed Persons to apply by analogy the same approach as that adopted in the Office.
3. Mr Sipavicius acted in person. In relation to valuing the time spent by litigants in person, it is the practice of the Office to apply by analogy the Litigants in Person (Costs and Expenses) Act 1975 (as amended), which

specifies a minimum rate of £19 per hour (see, for example, Decision O-699-19 of 18 November 2019 by Mr Oliver Morris, at paragraph 56). I see no reason why the Appointed Persons should depart from this practice in assessing the costs of appeals.

4. Having considered the pro-formas submitted by Mr Sipavicius detailing his times spent and official fees paid, I assess a reasonable award of costs to him on the above principles as being £800 (including official fees of £48) for the invalidation proceedings in the Office, and £350 for the costs of the appeal including the filing of the additional evidence which I admitted into the appeal.

**Order made:** I order that the registered proprietor Kailijumei Limited shall pay to Mr Egidijus Sipavicius, within 28 days of the date of this decision on costs, the sum of £800 as costs of the design invalidation proceedings in the UK Intellectual Property Office plus £350 costs of the appeal to the Appointed Person.

Martin Howe QC  
Appointed Person (Designs Appeals)  
28 February 2020