

O/0719/23

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

**CONSOLIDATED PROCEEDINGS**

**REGISTERED DESIGN NOS. 6122861, 6122862 AND 6147906**

**UKDOTCOM LIMITED**

**AND**

**APPLICATION NOS. 45/22, 46/22 AND 47/22**

**BY BBHUGME AS**

**TO INVALIDATE THE REGISTERED DESIGNS**

## **BACKGROUND**

1. On 22 June 2023, I issued a decision in the above identified proceedings, the outcome of which was in favour of UKDOTCOM LIMITED (“the proprietor”). In relation to costs, I stated:

“34. The registered proprietor has been successful and is entitled to a contribution towards its costs. As the proprietor is unrepresented, it must file a costs proforma if it wishes to make a claim for costs. If so, it should file a completed proforma within 14 days of the date of this decision. I will then issue a supplementary decision on costs.

2. The proprietor filed a completed costs proforma on 6 July 2022.

3. I now make this supplementary decision in relation to costs.

## **DECISION**

4. The proprietor claims that the amount of time spent in these proceedings is as follows:

Notice of opposition	41 hours
Considering forms filed by the other party	6 hours
Case law research	42 hours
Design corpus research	29 hours

5. The proprietor also claims £500 for a “legal consultation”.

6. The registrar usually awards contributory costs. As a matter of practice, litigants in person are asked to complete a costs proforma to ensure that costs awarded do not exceed the amount spent on the proceedings. There is no right to be awarded the amount claimed. This is subject to an assessment of the reasonableness of the claim

and account must be taken of the fact that costs awarded are contributory and not compensatory.

7. The proprietor has claimed 41 hours for completing a Notice of opposition. However, I note that the proprietor did not file a Notice of opposition; rather, it filed a Counterstatement. I will proceed on the basis that this is a typographical error and that this sum was intended to relate to the completion of the Counterstatement. I appreciate that the proprietor, not being familiar with proceedings of this kind, would have been required to undertake some research in order to be able to complete that form correctly. However, on balance, I consider 8 hours to be reasonable. I consider 2 hours to be a reasonable amount in respect of the amount of time spent considering the Notice of invalidation.

8. I appreciate that the proprietor would have had to engage in a certain amount of case law research and research in relation to design corpus as part of the preparation of their evidence and written submissions. A claim for time spent on research would ordinarily have been encompassed within an award for time spent in preparing evidence and submissions. However, I note that no claim has been made in respect of the evidence or submissions filed. With that in mind, I consider 25 hours to be a reasonable total for the amount spent in that regard.

9. As the proprietor is unrepresented, and consequently has no formal representation on record, I do not consider it appropriate to make an award in respect of legal fees incurred.

10. Taking all of the above into account, I consider the following to be reasonable:

Considering the Notice of Invalidation	2 hours
Preparing and filing the counterstatement	8 hours
Research required for the preparation of evidence/submissions	25 hours
<b>Total</b>	<b>35 hours</b>

11. In relation to the hours spent on these proceedings, I note that The Litigants in Person (Costs and Expenses) Act 1975 (as amended) sets the minimum level of

compensation for litigants in person in Court proceedings at £19.00 per hour. I see no reason to award anything other than this. I therefore award the proprietor the sum of **£665** (35 hours at £19 per hour).

12. I hereby order BBHUGME AS to pay UKDOTCOM LIMITED the sum of £665. This sum should be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

### **APPEAL PERIOD**

13. The appeal period in relation to both this decision on costs and the substantive decision issued on 22 June 2023 begins from the date of this supplementary decision.

**Dated this 26th day of July 2023**

**S WILSON**

**For the Registrar**