

O/0275/25

REGISTERED DESIGNS ACT 1949

**SUPPLEMENTARY DECISION ON COSTS**

IN THE MATTER OF:

REGISTERED DESIGN NO. 6183885

IN THE NAME OF

DIYANA POPOVA

AND

AN APPLICATION FOR INVALIDATION (NO. 194/23)

BY

ZEYSHAN MAHMOUD

## **Background**

1. On 13 February 2025 a decision in the above proceedings was published under reference number O/0131/25 (“the earlier decision”) in respect of invalidation proceedings brought by Mr Zeyshan Mahmoud (“the Applicant”) to invalidate a registered design numbered 6183885 in the name of Diyana Popova (“the Proprietor”). The consequence of that earlier decision is that the application was successful and the aforementioned design was invalidated. This supplementary decision deals with the issue of costs.

2. In my earlier decision I stated the following in relation to costs:

### **“Costs**

37. As the Applicant has been successful, he is entitled to an award of costs. As the Applicant is unrepresented the Litigants in Person (Costs and Expenses) Act 1975, the Civil Procedure Rules Part 46 and the associated Practice Direction applies, which sets the amount payable to litigants in person at £19 per hour. In order to make a claim under this provision the Applicant would need to complete and return a pro forma setting out the amount of time expended on any given task, the absence of which would mean that no award would be made. Having reviewed the file, I note that, in error, the Tribunal failed to send this document to the Applicant at the conclusion of the evidence rounds. Given this omission, whilst this decision concludes my determination of the substantive matter, it does not do so in relation to any award of costs. Should he wish to make a claim for his costs, I direct that the Applicant file a completed pro forma within 14 days, a copy of which accompanies this decision.

38. This decision will take effect as a final decision when the question of costs is decided, and at that point, but not before, the provisions relating to the right of appeal will come into operation.”

3. On 13 February 2025, a costs pro forma document was sent to Mr Mahmoud along with a copy of the earlier decision. At paragraph 37 of that earlier decision a direction was given that if Mr Mahmoud wished to make a claim for his costs he was to complete

and return the pro forma document setting out the time he had expended on any given task relating to bringing the proceedings. Mr Mahmoud was directed to return the completed document within 14 days of the earlier decision namely on or before 28 February 2025. To date no completed form has been received from Mr Mahmoud, which indicates that he does not wish to make a claim for costs.

4. Upon this basis I am now in a position to finalise the provisional decision which was suspended in order to allow Mr Mahmoud to submit any claim.

5. This supplemental decision makes no changes to the contents of the substantive decision, nor the outcome as set out in paragraph 36 of that decision save for those set out below.

### **Supplemental decision**

6. Paragraphs 37 and 38 of the earlier decision are to be disregarded and replaced as follows:

#### **“Costs**

37. The Applicant having been invited to compete and return a pro forma document setting out the time spent on various activities associated with the proceedings, failed to provide such information. I, therefore, make no award as to costs other than to award the official fee of £48 for bringing the proceedings.

38. I order that Diyana Popova pay Zeyshan Mahmoud the sum of £48. This sum is to be paid within 21 days of the expiry of the appeal period or within 21 days of the final determination of this case if any appeal against this decision is unsuccessful.”

7. Taking account of the amendments included herein the provisional decision in favour of the Applicant together with the associated award for costs becomes final subject to any appeal. The appeal period, in relation to both this decision on costs and the substantive decision issued on 13 February 2025 begins from the date of this supplementary decision.

**Dated this 21<sup>st</sup> day of March 2025**

**Leisa Davies**

**For the Registrar**