**BL O/0958/26**

IN THE MATTER OF THE REGISTERED DESIGNS ACT 1949

IN THE MATTER OF REGISTERED DESIGN NO 6,433,216, 6,433,224, 6,433,225, 6,433,222 and 6,433,223 IN THE NAME OF JASDEEP THANDI

AND IN THE MATTER OF AN APPLICATION FOR INVALIDATIONS UNDER NUMBERS 228/25, 230/25, 231/25, 233/25 AND 234/25 IN THE NAME OF IMPORT EFFECTS LTD

AND IN THE MATTER OF AN APPEAL FROM THE COSTS ORDERS OF CAITLIN WILLIAMS DATED 21 APRIL 2026 AND THE WRITTEN REASONS PROVIDED BY CLAIRE WOODMAN DATED 29 JUNE 2026

---

COSTS APPEAL DECISION

---

**Introduction**

1. This appeal on costs relates to a series of successful (and uncontested) applications by Import Effects Ltd to cancel certain registered designs held by Jasdeep Thandi. In total there were applications to invalidate twelve registered designs, but this appeal relates to only five of those designs, namely those under numbers 6,433,216, 6,433,224, 6,433,225, 6,433,222 and 6,433,223.

2. While Mr Thandi has never contested the validity of the twelve designs, he now appeals the decision to award costs against him in relation to the five designs mentioned above. It might be helpful to set out briefly the chronology of events.

3. The decisions to invalidate the designs, in light of the proprietor (Mr Thandi) not contesting the applications, were made on 11 November 2025 (No 6,433,224; 6,433,225), 8 December 2025 (No 6,433,216) and 9 December 2025 (6,433,222; 6,433,223).

4. On 14 January 2026, Import Effects sent an email setting out a claim of costs per case, being the filing fee of £48.00 and 6 hours at £19 per hour (a total of £162 per case). The suggestion of £19 per hour is based on the former High Court rate for litigants-in-person (which increased on 1 October 2025 to £24 per hour).

5. A series of preliminary views on costs were issued on 3 March 2026 and the registrar adopted the figures of the Applicant (now Respondent) without modification.

6. On 30 March 2026, Mr Thandi made representations on costs in relation to some but not all of the twelve cancelled designs.

7. On 21 April 2026, a series of costs orders for £162 were made for each of these designs. Subsequently, Mr Thandi asked for reasons for why costs were awarded for this sum and these were provided on 29 June 2026.

8. Mr Thandi now seeks to appeal those decisions.

9. A Respondent's Notice, which was really written submissions, was provided by Impact Effects on 27 July 2026.

**Costs appeals**

10. The Court of Appeal has made it clear how high the hurdle is for challenging a discretionary decision on costs. While these decisions refer to the Civil Procedure Rules, the principles are the same when a costs award is made by a Hearing Officer. In *SCT Finance v Bolton* [2002] EWCA Civ 56, [2] it was stated in relation to a costs appeal:

> As such, it is overcast, from start to finish, by the heavy burden faced by any appellant in establishing that the judge's decision falls outside the discretion in relation to costs conferred upon him under rule 44.3(1) of the Civil Procedure Rules 1998. For reasons of general policy, namely that it is undesirable for further costs to be incurred in arguing about costs, this court discourages such appeals by interpreting such discretion very widely.

11. And in *F & C Alternative Investments (Holdings) Ltd v Barthelemy (No 3)* [2012] EWCA Civ 843, [2013] 1 WLR 548, [42]:

> Decisions on costs after a trial are pre-eminently matters of discretion and evaluation. Further, it is particularly important to bear in mind that a trial judge—especially after a trial such as this one—will have a knowledge of and feel for a case which an appellate court cannot begin to replicate. The ultimate test, of course, for the purposes of an appeal of this kind is whether the decision challenged is wrong. But it is well established that an appellate court may only interfere if the decision on costs is wrong in principle; or if it involves taking into account a matter which should not have been taken into account or failing to take into account a matter which should have been taken into account; or if it is plainly unsustainable.

12. These statements were recently endorsed by the Court of Appeal in *Ward v Donnellan* [2026] EWCA Civ 729, [1]-[3] where it was also pointed out that in both those cases the costs appeal did actually succeed (and it was also a successful appeal in *Ward*). These successes do not, however, depart from the strict guidance given.

**Grounds of appeal**

13. The Appellant is now pursuing only one ground of appeal, which involves two limbs. First, the Appellant suggests that the registrar did not consider his written submissions on costs before making the awards. Secondly, he submits that due to the duplication of work between the five applications it is not reasonable for the Respondent to spend six hours preparing the second and subsequent applications after already spending six hours on the first application, when there were only small changes between the original application and any of the subsequent applications.

*Point not considered*

14. In relation to the first limb, I must turn to the Appellant's letter of 30 March 2026, the emboldened header stated:

**RE: Proprietor's Comments on Application for Costs - Design Nos. 6433213, 6433215, 6433220, 6433229, 6433218, 6433219 and 6433226**

In the second section, the Appellant stated as follows:

> The applicant claims 6 hours of preparation time per case across all twelve proceedings. I respectfully submit that this figure is significantly innated and cannot be accepted without proper substantiation.
>
> A DF19A is a standard, largely formulaic form. Where the same applicant has filed multiple applications against the same proprietor on essentially the same basis, it is reasonable to expect that the additional forms required minimal additional time compared to the first. Completing several near-identical forms in the same batch is far less time-consuming than treating each as an independent exercise requiring 6 hours of work
>
> In my submission, a reasonable and proportionate time allowance per case would be no more than 2 hours, particularly where the forms follow a common template and were filed as part of a consolidated exercise.

15. The Appellant suggests that these submissions were not considered by the Hearing Officer in relation to the designs in issue in this case, namely numbers 6,433,216, 6,433,224, 6,433,225, 6,433,222 and 6,433,223.

16. It was stated in the reasoning provided by the Registrar on 29 June 2026 that the 30 March 2026 letter was not relevant because it did not relate to any of the costs orders made.

17. The Appellant challenges this before me because, his says, the 30 March 2026 letter refers to “all twelve proceedings”.

18. I do not think this reference to “all twelve proceedings” makes a difference as the letter of 30 March 2026 makes it clear in its header that it is comments on design numbers 6433213, 6433215, 6433220, 6433229, 6433218, 6433219 and 6433226. None of the costs awards in relation to those designs are in issue before me.

19. Where a party is conducting two cases (cases A and B) at the same time, any representations that party makes in Case A cannot be read or extended to Case B simply because those representations might be relevant to Case B; this remains true even where the submissions in case A explicitly refer to Case B.

20. Accordingly, if a party wishes to make the same point in relation to two (or twelve) different applications, then either the proceedings must be consolidated or the submissions have been made twice (or twelve times). Any other approach would make everything unmanageable. Hearing Officers cannot be expected to read not only the case file for the proceedings before them but also all the files for all cases involving one or more parties to those proceedings, to see if any relevant submissions were made for the matter they have to determine.

21. In conclusion, I do not think the letter of 30 March 2026 was *improperly* not taken into account when the costs order was made. Ignoring it was quite proper.

*Duplicated work*

22. As to the second limb of the appeal, I have some sympathy for the Appellant's submission that the documentation lodged by the Respondent in relation to the five proceedings is largely the same and so it would be expected that a person takes less time to prepare the fifth case than the first.

23. However, the Respondent explained that he divided his total workload across the applications on a pro rata basis and so it was not precisely six hours preparation time for each application, but six hours represented the proportionate share of the total time spent. The question then becomes whether 30 hours spent across five application is reasonable, albeit this was not how it was considered below.

24. Overall, costs are a matter of discretion and evaluation. The decision maker had all the relevant information before her when she made the five costs orders and while taking six hours for each application (or 30 hours overall) might be on the high side for such similar applications, I do not think the cumulative time is outside the bounds of reasonableness. Therefore, I see no reason to depart from the various orders below which have the same effect.

25. I therefore dismiss the appeal.

**Conclusion**

26. In relation to the costs for this appeal, the Respondent submitted an updated costs schedule after the deadline (even though an email without the relevant attachment was sent before the deadline). The Appellant suggests it is unfair for me to consider the late submission. In the absence of an application by the Respondent to allow in the late filed document, I accept this point. Nevertheless, the Respondent had indicated before the deadline in a previous filing that he spent four hours of preparation time on the Respondent's Notice and so I make an award of £96 costs for time spent (representing four hours at £24 per hour).

27. The Appellant therefore has to pay the Respondent a total of £906 (representing the total costs before me and below) by 4pm on 16 November 2026.

PHILLIP JOHNSON
THE APPOINTED PERSON
25 October 2026

**Representation:**

For the Appellant: Jasdeep Thandi (in person)

For the Respondent: Naeem Ahmed (in person)