

O-040-13

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO 2584899  
BY YASIN NAZIR KARIM YAKUB, HASSAN KARIM AND IMRAN KARIM  
TO REGISTER THE TRADE MARK**

**Local Boys**

**IN CLASS 25**

**AND**

**THE OPPOSITION THERETO  
UNDER NO 102481  
BY  
LOCAL BOY'Z LIMITED**

## BACKGROUND

1. On 4 December 2012, the substantive decision was issued in these proceedings. In relation to costs, I said:

“12. The applicants have been successful and are entitled to a contribution towards the cost of the time they have spent on these proceedings. The Registrar usually operates on a published scale of costs. However, since the applicants have not been professionally represented during the proceedings, an award made from the published scale might be larger than their actual expenditure. In BL O/160/08 *South Beck*, Mr Richard Arnold QC, sitting as the appointed person, stated:

“32. Secondly, counsel for the opponent submitted that, if CPR r. 48.6 was applicable, the hearing officer had misapplied it. In support of this submission he pointed out that CPR r. 48.6(4) provides:

The amount of costs to be allowed to the litigant in person for any item of work claimed shall be-

(a) where the litigant can prove financial loss, the amount that he can prove he has lost for time reasonably spent on doing the work; or

(b) where the litigant cannot prove financial loss, an amount for the time reasonably spent on doing the work at the rate set out in the practice direction.

The Part 48 Practice Direction provides at paragraph 52.4 that the amount which may be allowed to a litigant in person under rule 46.8(4) is £9.25 per hour. Counsel submitted that the hearing officer appeared to have awarded the applicant two-thirds of the scale figure which he would have awarded a represented party, and that this could not be justified since the opponent had not proved any financial loss and was very unlikely to have spent over 160 hours on the matter.....

36. In my judgment the approach which should be adopted when the Registrar is asked to make an award of costs in favour of a litigant in person is as follows. The hearing officer should direct the litigant in person pursuant to r. 57 of the 2000 Rules to file a brief schedule or statement setting out (i) any disbursements which the litigant claimed he has incurred, (ii) any other financial losses claimed by the litigant and (iii) a statement of the time spent by the litigant in dealing with the proceedings. The hearing officer should then make an assessment of the costs to be awarded applying by analogy the principles applicable under r. 48.6, but with a fairly broad brush. The objective should be to ensure that litigants in person are neither disadvantaged nor overcompensated by comparison with professionally represented litigants.”

Under the current practice direction, the amount allowed to a litigant in person is £18 per hour.

13. Consequently, the applicants should produce a breakdown of their costs, including the number of hours spent on these proceedings, broken down by category of activity, i.e. reviewing the notice of opposition, completing the counterstatement, reviewing the opponent's witness statements, and compiling the short witness statement filed by Mr Yakub. This breakdown should be filed within 21 days of the date of this decision and should be copied to the opponent who will have 21 days from receipt of the breakdown to provide written submissions. I will then issue a supplementary decision covering the costs of these proceedings."

2. As the applicants have not provided a breakdown of costs, it is not possible for me to consider the amount of costs that should be awarded. Therefore, no award of costs will be made.

3. The period for appeal against the substantive decision runs concurrently with the appeal period for this supplementary decision on costs.

**Dated this 25th day of January 2013**

**C J BOWEN**  
**For the Registrar,**  
**the Comptroller-General**