

O-297-14

**TRADE MARKS ACT 1994**

**IN THE MATTER OF UNITED KINGDOM DESIGNATION OF INTERNATIONAL  
REGISTRATION 1074946  
BY DALSOUPLE SOCIETE SAUMUROISE DU CAOUTCHOUC TO REGISTER  
THE TRADE MARK**

**DALSOUPLE**

**IN CLASSES 17, 19 AND 27**

**AND IN THE MATTER OF OPPOSITION  
THERE TO UNDER NO 72362  
BY TIM GAUKROGER, DALSOUPLE DIRECT LIMITED AND DALHAUS LIMITED**

**AND**

**IN THE MATTER OF REGISTRATION NO 2183458  
IN THE NAME OF DALHAUS LIMITED IN RESPECT OF THE TRADE MARK**

**DALSOUPLE**

**IN CLASSES 17 AND 27**

**AND IN THE MATTER OF AN APPLICATION FOR INVALIDATION  
THERE TO UNDER NO 84543  
BY DALSOUPLE SOCIETE SAUMUROISE DU CAOUTCHOUC**

**SUPPLEMENTARY DECISION ON COSTS**

1) In my decision of 16 May 2014, in respect of consolidated opposition and invalidation proceedings (Decision BL O-219-14), the opponent/registered proprietor, Timothy Gaukroger, Dalsouple Direct Limited and Dalhaus Limited (collectively referred to as “Dalsouple UK” in my substantive decision), being successful, were entitled to an award of costs. I made an award of £3400 and, in addition, I indicated that the successful parties were also entitled to further costs in respect of their witnesses attending the hearing for cross-examination.

2) In my decision, I commented as follows:

“71) In addition to this award of costs, Dalsouple UK are also entitled to request the reasonable travel and accommodation expenses for their witnesses, Mr and Mrs Gaukroger. If Dalsouple UK wish to claim such expenses, they must send submissions to that effect, with a breakdown of expenses supported by receipts, to the Registry within ten days of the date of this decision. Dalsouple France will have ten days from receipt of these submissions to file any submissions in reply concerning the claimed expenses in relation to Dalsouple UK’s witnesses. I will then issue a supplementary decision covering this aspect of costs, unless there are no submissions from Dalsouple UK.

72) In relation to the above stated award of £3400, I order Dalsouple Societe Saumuroise du Caoutchouc to pay this sum together with any additional costs specified in a supplementary decision in respect of expenses relating to the travel and accommodation expenses of Mr and Mrs Gaukroger to attend the hearing. This sum is to be paid to Tim Gaukroger, Dalsouple Direct Limited and Dalhaus Limited within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful. The appeal period will begin from the date of this decision, or from the date of a supplementary decision, if one is issued.”

3) Subsequent to the hearing, the successful parties’ representative submitted an itemised list of costs with supporting receipts. Dalsouple Societe Saumuroise du Caoutchouc did not avail itself of the opportunity to file submissions regarding these expenses. The items list consists of the following:

“Train Ticket 1 – T Gaukroger	£72.50
Train Ticket 2 – J Gaukroger	£78.50
Hotel	£127.20
Meal	£51.15
Taxis	£46.40
Total	£375.75”

4) These appear reasonable to me with two exceptions. Firstly, with one day travel cards being available for £9 per person, I do not consider it appropriate to reimburse the cost of taxis amounting to £46.40. Secondly, the meal receipt includes an item for £15 (+ VAT). The description is obscured by the overlaying of the credit card receipt, but on the basis that the four items listed above it are likely to refer to two starters and two main courses, this additional item may relate to wine, for example.

Regardless, it appears additional to the two course meal for two people and consequently, it is not appropriate to reimburse this. In other respects the itemised list appears to reflect reasonable costs. I, therefore, award further costs on the following basis:

Train Ticket 1 – T Gaukroger	£72.50
Train Ticket 2 – J Gaukroger	£78.50
Hotel	£127.20
Meal	£33.15
Travel (equivalent of two “Anytime Travelcards)	£18.00
<b>Total</b>	<b>£329.35</b>

5) I order Dalsouple Societe Saumuroise du Caoutchouc to pay Timothy Gaukroger, Dalsouple Direct Limited and Dalhaus Limited the sum of £329.35 in addition to the sum of £3400 identified in my substantive decision.

6) I note that the case has already been appealed to the High Court. Therefore, a total of £3,729.35 is to be paid within seven days of the final determination of this case, if the appeal against it is unsuccessful.

**Dated this 9th day of July 2014**

**Mark Bryant  
For the Registrar  
The Comptroller-General**