

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO 501198 BY FASHION TV
BROADCASTING LIMITED FOR REVOCATION OF TRADE MARK NO. 2461391
IN THE NAME OF JOHN DAVID PHILPOTTS**

DECISION ON COSTS

1. In my Decision dated 19 October 2017 I allowed the appeal against the decision of Louise White, acting on behalf of the Registrar dated 27 April 2017 (O-200-17).
2. In paragraphs 35 and 36 of my Decision I gave directions as to the further conduct of the appeal in so far as it related to costs.
3. Pursuant to those directions the Registered Proprietor, who has at all stages represented himself, has provided to me a schedule of work and expenditure with respect to the costs before the Hearing Officer and the Appeal.
4. Fashion TV has not, as allowed for under my directions, responded in any way to the materials provided to me by the Registered Proprietor.
5. Neither side has requested to be heard on the question of costs. Therefore I have made my Decision on Costs on the basis of the written materials before me.
6. In making my Decision on costs I have in mind by way of analogy the approach set out in Part 46 of the Civil Procedure Rules 1998; that the current amount that is allowed for a self-represented litigant which is set out in paragraph 3.4 of Practice Direction 46 to the Civil Procedure Rules is £19 per hour; and that the standard practice in the UK IPO of making cost orders by reference to a standard scale.
7. In the light of those consideration and having had regard to the Schedule of Costs provided to me by the Registered Proprietor it seems to me that it is reasonable for Fashion TV Broadcasting Limited to pay to John Philpotts the sum of £800 as a contribution towards his costs before the Hearing Officer; and the sum of £1000 as a contribution to his costs on the appeal.

O-598-17

8. I therefore direct that Fashion TV Limited pay to John Philpotts the total sum of £1,800 within 21 days of the date of this Decision on Costs.

EMMA HIMSWORTH Q.C.
Appointed Person
27 November 2017