

O/056/12

TRADE MARKS ACT 1994

IN THE MATTER OF REGISTRATION NO 2495199

IN THE NAME OF SAJID PARKAR

OF THE TRADE MARK:



IN CLASSES 1, 20 AND 27

AND

THE APPLICATION FOR A DECLARATION

OF INVALIDITY THERETO

UNDER NO 83515

BY

ABID HUSSAIN

1) On 11 January 2012 the substantive decision in these proceedings was issued. During the proceedings Mr Parkar had ceased to be legally represented. Consequently, the following finding was made:

93) Sajid [Mr Parkar] should furnish, within two weeks of the date of issue of this decision, a brief schedule of costs incurred by him from 1 October 2010 onwards, as indicated above in the decision of Mr Arnold. A supplementary decision on costs will then be issued.

2) On 24 January 2012 a letter was received from Mr Parkar in relation to the costs. He included costs relating to his legal representative and did not give a breakdown of costs from 1 October 2010 as required. Consequently, he has not identified the time taken in relation to the preparation of his evidence. Taking into account the nature of the evidence, it is considered reasonable to allow 8 hours for its preparation and 2 hours for the consideration of the evidence of Mr Hussain.

3) In the letter Mr Parkar stated that he had spent 9 hours for each of 9 days preparing for the hearing and claimed 9 hours for attending the hearing. The hearing lasted less than 3 hours. It is considered that the claim for 81 hours for preparation for attending the hearing is excessive, taking into account the evidence filed and the submissions by his legal representative; when he was represented. It is considered that the most that is reasonable for preparation and attendance at the hearing (taking into account travelling to the Intellectual Property Office in London) is 14 hours (9 hours + 5 hours).

4) The costs of proceedings are governed by a scale as per Tribunal Practice Notice 4/2007. Awards may be made outwith the scale. In this case there has been no untoward behaviour by Mr Hussain in the prosecution of the application. There was clearly an issue to be considered; there was nothing frivolous in the application. There is nothing that would lead to costs being made outwith the scale.

5) Costs are awarded upon the following basis:

Preparing a statement and considering Mr Hussain's statement:	£300
Preparing evidence and considering the evidence of Mr Hussain:	£180
Preparation for and attendance at a hearing:	£252
Total:	£732

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

Mr Abid Hussain is to pay Mr Sajid Parkar the sum of £732. This sum is to be paid 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 the decisions is unsuccessful.

Dated this 13th day of February 2012

**David Landau
For the Registrar
the Comptroller-General**