

**TRADE MARKS ACT 1994
IN THE MATTER OF APPLICATION No. 2564928
BY CONDOR CYCLES LIMITED TO REGISTER THE TRADE MARK
SQUADRA
IN CLASS 12**

**AND IN THE MATTER OF OPPOSITION
THERE TO UNDER No. 101398 BY KEVIN DAKIN**

SUPPLEMENTARY DECISION

1) On 6 February 2015 I issued decision O-060-15 in which I found in favour of Mr Dakin (the opponent). At the hearing it was agreed that the decision would be issued and that both parties would then have the opportunity to provide written submissions on costs.

2) Both sides have provided comments. The opponent's comments and schedule of costs was received after the hearing but prior to the decision being issued as I informed Mr Dakin on the day of the hearing that the matter would almost certainly be decided in his favour and that he would be required to provide a schedule of costs.

3) The applicant has raised questions regarding virtually every aspect of the costs submitted by Mr Dakin. They point out that:

- Mr Dakin was representing himself prior to the evidence rounds, and so the legal costs should have been much smaller;
- Mr Dakin has gained experience in other cases between the parties and so would not have spent as much time as claimed on the case.
- There would have been no need for Mr Dakin to visit his Attorney in person on so many occasions, nor to have phoned them so often, nor for him to have hand delivered evidence.
- The applicant even objects to the £30 for food in respect of attending the hearing.

4) I am willing to accept that the costs attributed to the trade mark agent probably relate to the previous cases as well, although even if they do not they would not be accepted in full but the costs order would be merely a contribution towards them. I am also willing to accept that the number of journeys undertaken is probably excessive, albeit caused by Mr Dakin's inexperience. I do not accept the other criticisms, such as that for subsistence when attending a hearing as there is undoubtedly an additional cost involved in obtaining food when travelling compared to being at home or in the office. As to the experience of Mr Dakin, he is a litigant in person who has been involved in two cases between the parties, so he is hardly experienced. The other cases were a rectification and a revocation so the issues were somewhat different and would cause a

lay person to have to spend some time understanding the differences and the nuances when compared to the instant, opposition, action. This was added to by the behaviour of the opponent as set out in my main decision in this case. I also note that the £1,000 provided as security of costs will be returned to Mr Dakin by the IPO who currently hold the monies. I therefore award the following:

Expenses	£200
Preparing a statement and considering the other side's statement	£300
Preparing evidence and considering the evidence of the other side (144hrs x £18) & attending the hearing	£2592
Administration and travel costs	£476.57
TOTAL	£3568.57

5) I order Condor Cycles Limited to pay Mr Kevin Dakin the sum of £3,568.57. This sum 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 this decision is unsuccessful. The parties have 28 days from the date of this decision to appeal the substantive decision issued earlier or this costs decision.

Dated this 9th day of March 2015

**George W Salthouse
For the Registrar,
the Comptroller-General**