

TRADE MARKS ACT 1994

IN THE MATTER

OPPOSITION No. 70637

IN THE NAME OF GO-JO INDUSTRIES INC.

TO APPLICATION No. M749994

TO PROTECT A TRADE MARK IN CLASS 3

IN THE NAME OF POURELLE COSMETICS GMBH

DECISION

1. I refer to my Initial Observations dated 28th January 2003.
2. An itemised summary of the work and expenditure covered by the Opponent's claim for costs was submitted by Messrs Lloyd Wise in a letter dated 3rd February 2003.
3. The summary indicated that an award of costs was requested on the following basis:

Considering and reporting to client on Grounds of Appeal

30 mins at £264.00 per hour: £132.00.

Preparation for hearing of the withdrawn appeal (including preparation and filing of skeleton argument)

2 hours at £264.00 per hour: £528.00

£660.00

4. The Applicant made no submissions and raised no objections in relation to the Opponent's application for costs.

5. Neither party requested a hearing to consider the matter.

6. Having considered the papers on file, my decision is that £575 would be a fair and proportionate sum to award in respect of the costs incurred by the Opponent in relation to the withdrawn appeal.

7. That sum will be payable in addition to the sum awarded by the Registrar's hearing officer (Mr M. Reynolds) in relation to the proceedings in the Registry. I direct that it be paid within 17 days of today's date.

Geoffrey Hobbs QC
21st February 2003