

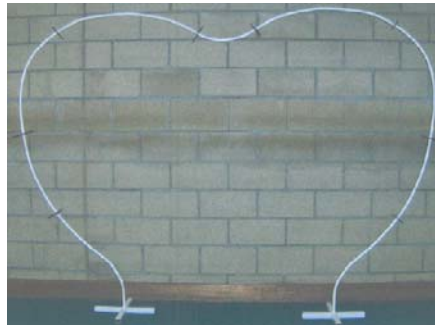
O-406-11

REGISTERED DESIGNS ACT 1949 (AS AMENDED)

SUPPLEMENTARY DECISION

IN THE MATTER OF REGISTERED DESIGN NO 4011363

IN THE NAME OF BELINDA SINGH IN RESPECT OF:



AND

A REQUEST TO INVALIDATE (NO. 37/09)

BY SAUNDERS DISPLAYS (UK) LTD T/A SAUNDERS DISPLAYS

REGISTERED DESIGNS ACT 1949 (AS AMENDED)

1) On 17 October 2011 I issued a decision in relation to these proceedings. In summary, Ms Singh's design registration was held to be invalid. In relation to costs, I stated at paragraphs 44-45 of my decision:

"44) Saunders having been successful, it is entitled to a contribution towards its costs. With regard to costs, although the registrar has a wide discretion in relation to such matters, he nevertheless works from a published scale (as per Tribunal Practice Notice 4/2007). I have borne the scale in mind when determining what award of costs to make. I hereby order Ms Belinda Singh to pay Saunders Displays (UK) Ltd t/a Saunders Displays the sum of £600. This sum is calculated as follows:

Fee for requesting invalidation	£50
Preparing a statement and considering the other side's statement	£250
Filing evidence and considering Ms Singh's evidence	£300

45) It will be noted that I have not awarded Saunders any costs in relation to the filing and considering of evidence. This is because the bulk of both parties evidence focused primarily (although not exclusively) on the proprietorship issue and the creation of the design in question. As Saunders failed on this claim and also the claim relating to disclosures made by Ms Singh then it would be inappropriate to award it costs for such evidence."

2) Ms Singh contacted the tribunal to advise that I had included an amount for filing and considering evidence despite my commentary that no such award would be made. I briefly spoke to the parties in conference on 14 November 2011 and informed them that my decision contained an error and that I would issue a corrective supplementary decision. This is that decision. The error is clear and obvious and I treat it as an irregularity in procedure under rule 38 of the Registered Design Rules 2006. Against that background, I hereby correct my decision by replacing the above paragraphs as follows:

"44) Saunders having been successful, it is entitled to a contribution towards its costs. With regard to costs, although the registrar has a wide discretion in relation to such matters, he nevertheless works from a published scale (as per Tribunal Practice Notice 4/2007). I have borne the scale in mind when determining what award of costs to make. I hereby order Ms Belinda Singh to pay Saunders Displays (UK) Ltd t/a Saunders Displays the sum of £300. This sum is calculated as follows:

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issue and the creation of the design in question. As Saunders failed on this claim and also the claim relating to disclosures made by Ms Singh then it would be inappropriate to award it costs for such evidence.”

The above reflects what I intended to say.

3) The appeal period for both my substantive findings and my decision in relation to costs is hereby re-set (the letter accompanying this decision sets out the appeal period). In relation to the costs, they must be paid within 7 days of the expiry of the appeal period of this supplementary decision or, in the case of any appeal, within 7 days of the determination of the appeal

Dated this 21 day of November 2011

**Oliver Morris
For the Registrar
The Comptroller-General**