

# O-578-18

TRADE MARKS ACT 1994

AND IN THE MATTER OF TRADE MARK APPLICATION NO. 3186578  
"SIMCITY BUILDIT" IN CLASSES 9 and 41  
IN THE NAME OF ELECTRONIC ARTS INC

AND IN THE MATTER OF OPPOSITION NO. 600000612  
BY DUF LTD

APPEAL BY ELECTRONIC ARTS INC  
FROM THE DECISION OF  
MS JUNE RALPH DATED 12 SEPTEMBER 2017

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## SUPPLEMENTAL DECISION

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1. In a decision in writing handed down on 20 June 2018, I dismissed the appeal by Electronic Arts Inc and indicated that I would award Duf Ltd a contribution towards its costs of the appeal, on the limited basis applicable to litigants in person.
2. I invited the parties to make submissions to me as to the amount of such costs, and received submissions from Mr Duf but none from the appellant.
3. It has long been accepted that an award of costs to a litigant in person should not exceed the costs incurred and that a litigant in person should not be in any more favourable position in proceedings in the Registry than he would be in High Court proceedings. See *Air Parts* BL O/160/08 at [34] *per* Mr Richard Arnold QC (as he then was).
4. The Civil Procedure Rules limit the amount of costs which may be awarded to a litigant in person. CPR 46.5(4) provides that where the litigant can prove financial loss, the amount awarded may be that amount, alternatively where the litigant cannot prove financial loss, he may be awarded an amount for the time reasonably spent on doing

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the work at the rate set out in Practice Direction 46. That rate is currently £19 per hour.

5. Mr Duffy claimed £600 for preparation for the appeal, based on one and a half days' work. That does not seem an unreasonable time to have spent. Based on 12 hours work, I will award £228 for preparation. He also claimed for 2 days off work (he is self-employed) as he said he travelled down from Manchester the day before the hearing. I consider it reasonable to allow for one and a half days for this, so another £228.
6. Mr Duffy claimed hotel and travel expenses of just under £200.
7. I consider that it would be appropriate to order the Proprietor to pay the Respondent the round sum of £650 as a contribution towards its costs of the appeal. That sum is to be paid by 5 PM on 1 October 2018, in addition to the sum awarded by the Hearing Officer.

Amanda Michaels  
The Appointed Person  
17 September 2018