

O/0773/26

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION ON COSTS

IN THE MATTER OF INTERNATIONAL REGISTRATION NO. WO0000001802519

DESIGNATING THE UK

IN THE NAME OF VATLAB TECHNOLOGIES PTY LTD

IN RESPECT OF THE TRADE MARK:

VATLAB

IN CLASSES 35, 36 AND 42

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. OP450505

BY SANDORIAN HOLDING B.V.

Background

1. On 9 July 2026, I issued a substantive decision in the proceedings identified above,¹ in which I found the opposition brought by Sandorian Holding B.V. (“the opponent”) against the international trade mark registration no. 1802519, in the name of VatLab Technologies Pty Ltd (“the holder”) was unsuccessful.

2. In the earlier decision, I directed that the holder should file its submissions on costs within 14 days of the earlier decision. Mr Vermaak (on behalf of the holder) returned the costs pro forma on 23 July 2026.

Decision

3. The holder’s completed cost proforma is as follows:



Tribunal Cost Pro Forma	
Form types	Time spent in hours/minutes
Notice of Opposition	N/A
Notice of Cancellation	N/A
Notice of Defence	24 hours
Considering forms filed by the other party	16 hours
TOTAL	40 hours
Official fees for the above forms	
TOTAL	N/A
Preparing evidence/written submissions and considering and commenting on the other side's evidence/written submissions	
Description of activity	Time spent in hours/minutes
Reading amended grounds + WS + exhibits	6 hours
Gathering evidence for s.3(6) rebuttal	8 hours
Witness statement + exhibit gathering	6 hours
WIPO specification limitation	3 hours
Reading evidence in reply + submissions	4 hours
Preparing final written submissions	6 hours
Procedural correspondence from UKIPO	4 hours
TOTAL	37 hours
Preparing for a hearing	
Description of activity	Time spent in hours/minutes
TOTAL	N/A
Other Expenses	
Description of activity	Time spent in hours/minutes
WIPO limitation fee: CHF 177 (approx. GBP 160)	
TOTAL	CHF 177 (approx. GBP 160)

4. With consideration of the above, I am guided in this decision by the scale of costs set out in Tribunal Practice Notice (“TPN”) 1/2023, as well as the guidance on how costs should be allocated to parties that are not represented professionally.

¹ BL O/597/26

5. First and foremost, I remind myself that the Tribunal awards costs on a contributory rather than a compensatory basis. It is important to note that only costs which have been incurred during, and as part of, these proceedings are relevant, such as filing official forms, evidence and written submissions, etc. Further, there is no right to be awarded the amount claimed. This is subject to an assessment of the reasonableness of the claim.

6. I also take into account Mr Hobbs QC's (as he then was) comments in *Amaro*, O/257/18:

“17. [...] an award of costs is required to reflect the effort and expenditure to which it relates without inflation for the purpose of imposing a financial penalty by way of punishment on the paying party. The determination of a ‘reasonable’ amount to award must depend on the nature and circumstances of the case at hand.”

7. It should be noted that a person who represents themselves is entitled to a standard rate of £19 per hour in line with Part 46 of the Civil Procedure Rules² for time reasonably spent on recoverable activities in relation to proceedings launched before 1 October 2025.

8. The holder has claimed a total of 77 hours in relation to these proceedings. This figure comprises 24 hours for a notice of defence, 16 hours for considering forms by the other party, and 37 hours in relation to preparing evidence and written submissions.

9. It is my view that the 24 hours claimed in relation to the notice of defence seems excessive. However, the counterstatement was reasonably detailed, and I acknowledge that an unrepresented party would take longer to prepare documents than a solicitor or trade mark attorney. In the circumstances, I find that 10 hours is reasonable in relation to this activity.

10. The holder also claims 16 hours for forms filed by the other party. It is my view that this figure solely includes the first notice of opposition, as the holder has included separate figures for the consideration of the subsequent forms (including the second

² Rule 46.5(4)(b), Practice Direction 46.5 paragraph (3.4)

notice of opposition) filed by the other party within its other claims. Whilst I acknowledge that an unrepresented party would take longer to consider documents than a solicitor or trade mark attorney, it is my view that 16 hours seems slightly excessive for the first notice of opposition. However, I do recognise that the notice of opposition filed by the opponent was fairly lengthy (23 pages). In the circumstances, I consider 10 hours to be reasonable.

11. On 20 June 2025 the opponent filed a TM7G to add a section 3(6) ground to the opposition. In this regard, the holder has claimed 6 hours in relation to reading the opponent's amended grounds, and reading David Tate's witness statement (filed on 19 May 2025) and exhibits. The new statement of grounds was primarily identical to the first statement of grounds filed on 31 October 2024, with the information relating to ground under section 3(6) not particularly lengthy in nature (given that it only constituted one side of A4 in total). However, the witness statement consisted of 3 pages and the evidence totalled 30 pages. I therefore find that the 6 hours claimed for reviewing these documents is reasonable in the circumstances.

12. The holder also claims 8 hours for gathering evidence for its response to the section 3(6) ground. It also includes a separate figure of 6 hours for producing the witness statement by Mr Vermaak and "exhibit gathering". On 29 September 2025, the holder filed Exhibits MV1-4 which relate to the opponent's claim under section 3(6) and Exhibits M5-6 in relation to suffix usage. As the holder claims 2 separate figures for gathering evidence, I will assess the 2 separate evidence-gathering figures in relation to why the exhibits were filed. I therefore find that 8 hours for Exhibits MV1-4 in response to the section 3(6) ground is a little excessive. Whilst there are 36 pages relating to these exhibits, it appears to me that these documents would have been reasonably easy to source from the logo designer and compile into evidence. I therefore find that 4 hours is reasonable to award for gathering evidence in relation to the section 3(6) ground. I have considered the remaining exhibits (MV5-6) and Mr Vermaak's witness statement. I find that the 6 hours claimed is wholly reasonable, as I appreciate that it would have taken time to research these exhibits and write the witness statement.

13. The holder claims 3 hours for filing the WIPO specification limitation. In addition to this, it also claims £160 for the WIPO limitation fee under 'other expenses' (and has

filed a receipt to show the filing fee payment). It is my view that these 3 hours and the WIPO limitation fee are not recoverable against the opponent. This is because the limitation was a voluntary action taken by the holder (with the counterstatement making it clear on page 1 that it was the holder who proposed the amendment of the goods). I therefore do not award anything in relation to these 3 hours or the WIPO specification limitation.

14. The holder has also claimed 4 hours for reading the opponent's evidence in reply (filed on 20 November 2025), as well as its submissions in lieu. Given the length of the documents in question (including the entire cited case which was included within the opponent's submissions), I find this figure to be entirely reasonable.

15. The holder claims 6 hours for preparing its submissions in lieu. Whilst I appreciate that the holder would have needed to spend time reflecting on its legal position and deciding what to include within them, the submissions were not particularly lengthy. I therefore find that 4 hours is reasonable for preparing submissions of that length.

16. The holder also claims 4 hours for dealing with procedural correspondence from the UKIPO. Having reviewed the case, it is my view that the correspondence in relation to procedural matters (outside of substantive matters) has been minimal. For example, the holder was required to provide an address for service in the UK via a TM33. However, this is a requirement that exists regardless of the opposition. The holder also briefly corresponded with the Registry in relation to a TM21B form, which the holder had erroneously filed with the UKIPO rather than WIPO. The Registry also issued a preliminary view in relation to the opponent's request to add the ground under section 3(6), which was unchallenged by the holder. Whilst I appreciate that the holder might have spent time researching this issue, I find that 4 hours is excessive given that the holder did not challenge the Registry's preliminary view or enter into any correspondence in relation to it. Taking all of this into account, I find that one hour is reasonable.

17. I have set out below my assessment on the holder's claim made. I remind myself that the Civil Procedure Rules Part 46 and the associated Practice Direction set the amount payable to litigants in person at £19 per hour. In accordance with Annex A of TPN 1/2023, I consider the following to be a fair and reasonable award of costs:

Notice of defence (10 hours x £19)	£190
Considering forms filed by the other party (10 hours x £19)	£190
Considering amended grounds (6 hours x £19)	£114
Gathering s3(6) evidence (4 hours x £19)	£76
WS/exhibit gathering (6 hours x £19)	£114
Reading evidence in reply & submissions (4 hours x £19)	£76
Preparing submissions in lieu (4 hours x £19)	£76
Procedural correspondence (1 hour x £19)	£19
Total	£855

18. I therefore order Sandorian Holding B.V. to pay VatLab Technologies Pty Ltd the sum of £855. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 25th day of August 2026

K SERRAVALLE
For the Registrar