

O/0997/25

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION ON COSTS

IN THE MATTER OF APPLICATION NO. UK00003925521

BY GEMMA ALEXANDER AND JERMAINE BRYAN

TO REGISTER THE TRADE MARK:

*Rich Skin*

IN CLASS 3

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 442840

BY ABI SHOKEYE

## BACKGROUND

1. On 23 October 2025, I issued a decision in respect of the above identified proceedings. In relation to costs, I stated:

“103. The applicants have been successful and would normally be entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023.

104. However, as the applicants are unrepresented, at the conclusion of the evidence rounds the tribunal wrote to the applicants and invited them to indicate whether they intended to make a request for an award of costs. The applicants were informed that, if so, they should complete a Pro Forma, providing details of their actual costs and accurate estimates of the amount of time spent on various activities associated with the proceedings. They were informed that “if the pro-forma is not completed and returned, costs, other than official fees arising from the action (excluding extensions of time) may not be awarded”.

105. The applicants did not file a completed Pro Forma and paid no official fees. That being the case, I make no award of costs in this matter.”

3. By way of an email, dated 23 October 2025, from Ms Gemma Alexander, it was brought to my attention that a costs proforma was submitted on 24 October 2024.

4. The relevant rule contained within the Trade Marks Rules 2008 (as amended) (the Rules) which provides guidance for the Registrar in such circumstances is as follows:

74.— (1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document filed) connected with any proceeding or other matter before the registrar or the Office.

(2) Any rectification made under paragraph (1) shall be made—

(a) after giving the parties such notice; and

(b) subject to such conditions,  
as the registrar may direct.

4. I therefore regard the above error as an irregularity in procedure and capable of being corrected under Rule 74(1) of the Trade Marks Rules 2008.

5. I give notice to the parties that paragraphs 103 to 105 will be amended to the version shown below and apply as though those paragraphs had appeared in the original version of the decision:

103. The applicants have been successful and are entitled to a contribution towards their costs. The registrar usually awards costs on a scale published in Tribunal Practice Notice 1/2023. As a matter of practice, litigants in person are asked to complete a costs proforma. The purpose of this is to ensure that the costs awarded do not exceed the amount spent on the proceedings. There is no right to be awarded the amount claimed. This is subject to an assessment of the reasonableness of the claim and must also take account of the registrar's practice of awarding costs on a contributory, not compensatory, basis.

104. On 24 October 2024, Ms Alexander submitted a costs proforma setting out the costs incurred in defending these proceedings. These consisted of:

<b>Task</b>	<b>Time</b>
Notice of opposition	8 hours
Notice of Cancellation	2 hours
Notice of Defence	3 hours
Considering forms filed by the other party	4 hours
Gathering evidence	4 hours
Reviewing opposition documentation/evidence	6 hours
<b>Total:</b>	<b>27 hours</b>

105. I bear in mind that the applicants' did not file a notice of opposition (Form TM7) nor a notice of cancellation (Form TM26(n) or (l)). Instead, the applicants'

only filed a Notice of Defence, that being a Form TM8. I am therefore unable to award any contributory costs towards actions which were not undertaken. On this basis, I can only award costs for the Notice of Defence which was filed. I also bear in mind that to file a Notice of Defence and to consider the forms filed by the other party are not particularly complex or lengthy tasks. Consequently, taking all the above into account, I consider the following figures to be a fair and reasonable award of costs:

<b>Task</b>	<b>Time</b>
Notice of Defence	5.5 hours
Considering forms filed by the other party	2 hours
Gathering evidence	4 hours
Reviewing opposition documentation/evidence	6 hours
<b>Total:</b>	<b>17.5 hours @ £19</b>
	<b>£332.50</b>

107. I have adopted the standard rate used to calculate costs for unrepresented parties under The Litigants in Person (Costs and Expenses) Act 1975 (as amended) which sets the minimum level of compensation for litigants in person at £19 per hour. I multiplied this by the time I consider was reasonably spent on defencing this application (17.5 hours).

108. I therefore order Abi Shokeye to pay Gemma Alexander and Jermaine Bryan the sum of £332.50. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.”

6. The above correction does not affect the appeal period.

**Dated this 27<sup>th</sup> day of October 2025**

**L FAYTER**  
**For the Registrar**