

O-1072-25

TRADE MARKS ACT 1994

**SUPPLEMENTARY DECISION ON COSTS**

IN THE MATTER OF

TRADE MARK APPLICATION

NO. UK00004023806

BY EDWARD IKEMEFUNA OBI

TO REGISTER

**Igbo Community Aberdeen**

IN CLASS 41

AND

THE OPPOSITION THERETO

UNDER NO. OP000448269

BY ONYEKA EKEKWE

## **BACKGROUND**

1. On 20 October 2025, I issued a decision in the above identified proceedings<sup>1</sup> in which the preliminary view of the Tribunal was upheld and the late-filed Form TM8 was not to be admitted into the proceedings. Subject to an appeal, the application UK00004023806 was treated as abandoned. Further, the related case OP000448170 was concluded and the opposition case OP600003348 fell away.
2. With regard to costs arising from the decision I stated the following:

### **“COSTS**

48. Given that the outcome of this decision has terminated the proceedings, the opponent is entitled to a contribution towards his costs. However, as Dr Ekekwe is not professionally represented, as outlined in Tribunal Practice Notice (“TPN”) 1/2023, before I can assess these costs, I invite Dr Ekekwe to submit a Tribunal Cost Pro Forma giving details of the costs he has incurred. I therefore defer my decision on costs pending the submission of the pro forma.”

3. Dr Ekekwe (“the opponent”) was provided with a copy of the Tribunal Cost Pro Forma by the Tribunal and he submitted a completed form with a covering letter on 2 November 2025.
4. I will now make a decision as to costs.

## **DECISION**

5. I have set out my assessment of the opponent’s claim below. However, it should be noted that a costs award is intended to be a contribution towards costs rather than full compensation. I will make the award of costs on the basis of £19 per

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<sup>1</sup> BL O/0975/25

hour, which is the rate of compensation allowed under The Litigants in Person (Costs and Expenses) Act 1975 (as amended). I further note that the total amount awarded should not exceed the maximum amount payable on the scale of costs that would apply had the opponent been professionally represented.

6. The opponent summarised his claim in his covering letter, an excerpt from which I copy below.

In summary, the total costs claimed amount to **£2,227**, comprising:

- Litigant in Person rate (68 hours @ £19/hour): **£1,292**
- Official fee for Notice of Opposition: **£200**
- Day off work to attend hearing: **£663**
- Printing, copying and telephone calls: **£72**

The activities listed include drafting and filing documents; preparing written submissions; investigating the applicant's witness statement/claims, TM8; investigating the applicant's pattern of procedural abuse and use of proxies to file multiple parallel trademarks; reviewing evidence and IPO decisions; and attending the hearing.

7. I agree that the official fee should be reimbursed.
8. While I acknowledge that Dr Ekekwe is out of pocket in terms of having taken a day off and in incurring administrative costs – printing, copying and telephone calls – I decline to include these costs in my costs award.
9. Turning to the costs incurred in terms of time spent at an hourly rate, I do not doubt that Dr Ekekwe has devoted a considerable amount of time to this case. It is also apparent that as well as dealing with matters in this particular opposition case he has researched other filings and cases that he considers to be pertinent to it. However, my costs award should reflect the core activities that were required of Dr Ekekwe up to the point that proceedings were terminated, as follows:

- Filling in the Form TM7
- Addressing the question of whether a procedural hearing should be convened at all
- Considering the applicant's witness statement in regard to the late-filed Form TM8

- Formulating his skeleton arguments
- Considering the applicant's skeleton arguments
- Attending the procedural hearing

10. Reminding myself that a costs claim should be contributory, not compensatory, I award the opponent costs as follows:

Official fee:	£200
Filling in a Form TM7 and tasks including preparing for and attending a procedural hearing (20 hours at £19 per hour):	£380
<b>Total:</b>	<b>£580</b>

11. I order Edward Ikemefuna Obi to pay Onyeka Ekekwe the sum of £580. This sum should be paid within twenty-one days of the expiry of the appeal period (the appeal period commencing from the date of this costs decision for both the decision as to the late-filed Form TM8 and the costs decision) or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

**Dated this 18<sup>th</sup> day of November 2025**

**John Williams**  
**For the Registrar**