

**IN THE MATTER OF INTERNATIONAL TRADE MARK REGISTRATION
NO 1111498 'GREEN VALLEY'
IN THE NAME OF TSAREFF COMPANY LTD**

AND

**OPPOSITION THERETO NO 72467
BY DHAMECHA FOODS LTD**

AND

**ON APPEAL FROM THE DECISION OF BEVERLEY HEDLEY
DATED 14 OCTOBER 2013**

DECISION ON COSTS ONLY

1. On 14 October 2013, Mrs Beverley Hedley upheld Dhamecha Foods Ltd's opposition to the registration by Tsareff Company Ltd's of a UK trade mark Green Valley for whisky in Class 33.
2. On 11 November 2013, Tsareff Company Ltd lodged an appeal. The Grounds of Appeal were extremely brief, and the substance of the appeal was contained in 2 paragraphs set out on the TM55 form.
3. The appeal was withdrawn in advance of the scheduled hearing date.
4. Dhamecha Foods Ltd now seeks a contribution of £300 towards its costs of preparing for the appeal and has provided me with a letter from its attorneys explaining what steps it took in preparation for the appeal (which fell short of preparing the written submissions it had intended to file). The letter did not, however, state what sum had been charged to Dhamecha Foods Ltd by its attorneys.
5. In my view, it is right that Tsareff Company Ltd should pay something towards costs thrown away by Dhamecha Foods Ltd. On the other hand, the Grounds of Appeal are so short and so obviously unmeritorious that it seems to me that relatively little time would have been taken in dealing with them, even if further time was spend on broadly administrative tasks relating to the appeal. In the circumstances, I will order Tsareff Company Ltd to pay Dhamecha Foods Ltd £200 in respect of its wasted costs of the appeal, to be paid within 14 days of today.

Amanda Michaels
The Appointed Person
5 June 2014