

**O-393-20**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF:**

**AN APPLICATION (No. 502044) BY GARY BROOKER  
TO INVALIDATE TRADE MARK No. 1422867:**

**PROCOL HARUM**

**WHICH STANDS IN THE NAME OF KEITH REID**

## **Background and pleadings**

1. On 23 January 2020 I issued a decision in these proceedings in which I rejected Mr Brooker's application to declare the above referenced registration invalid. I will not rehearse the reasons for that decision here. In relation to costs, I stated:

“38. I will issue a supplementary decision dealing with costs only after I have received from Mr Reid details of any expenses incurred in him having to attend the hearing for cross-examination. Fourteen days is permitted to do so, with Mr Brooker being given fourteen days to comment on the reasonableness of such expenses.

39. The appeal period for this decision will be set in tandem with the appeal period for my supplementary decision on costs.”

2. Mr Reid's communicated expenses came to £10. No comment was received from Mr Brooker. Such a claim is perfectly reasonable. In relation to costs more generally, at the substantive hearing neither party suggested anything other than usual scale costs. Given this, my assessment as to costs, in favour of Mr Reid as the successful party, is as follows:

Considering the statement of case and filing a counterstatement: £400

Filing and considering evidence: £1000

Preparing for and attending the hearing: £1000

Expenses for cross-examination £10

3. I therefore order Mr Brooker to pay Mr Reid the sum of £2410. The above sum should be paid within 21 days of the expiry of the appeal period. As indicated in my first decision, the appeal period for the substantive decision and this supplementary costs decision will run simultaneously from the date this decision is notified to the

parties. If there is an appeal, the costs should be paid within 21 days of the conclusion of the appeal proceedings.

4. I also remind the parties what I said at the end of my first decision:

“After the appeal period has expired, or after any appeal determined, the parties will need to write to the Tribunal setting out what they propose to do in relation to them.”

5. The above referenced “them” relates to other currently suspended proceedings. I will allow 3 months for the parties to provide such submissions (which commences at the end of the appeal period, or when appeal proceedings are concluded), which should hopefully enable the parties to discuss matters between themselves in the first instance to see if any mutually agreeable solution can be found.

6. I should also take this opportunity to apologise for not issuing this supplementary decision as quickly as I would have hoped.

**Dated 7th day of August 2020**

**Oliver Morris**  
**For the Registrar,**  
**the Comptroller-General**