

# KENYA INDUSTRIAL PROPERTY INSTITUTE



Popo Rd. off Mombasa Road  
Weights and Measures  
South "C"  
P.O. Box 51648-00200, Nairobi.  
Tel. 602210/11  
E-mail: [info@kipi.go.ke](mailto:info@kipi.go.ke).  
[www.kipi.go.ke](http://www.kipi.go.ke)

---

## THE TRADE MARKS ACT CAP 506 OF THE LAWS OF KENYA

### AND

## IN THE MATTER OF TRADE MARK APPLICATION NOS. 69857 AND 69858 IN CLASS 26 IN THE NAME OF SOLPIA GROUP INC (THE APPLICANTS) AND OPPOSITION THERETO BY STRATEGIC INDUSTRIES LTD (THE OPPONENTS)

### TAXATION OF THE APPLICANTS' BILL OF COSTS

### RULING BY ASSISTANT REGISTRAR OF TRADE MARKS

#### Introduction

During the taxation proceedings that were held on 26<sup>th</sup> February 2015, it was agreed that although the submissions made were with respect to the Bill of Costs filed in TMA NO. 69857, the submissions would also apply to TMA No. 69858. This is because although the two matters were not consolidated, the proceedings were similar and the claims in the two Bills of Costs relating to the claims for instructions fee were identical.

## **Background**

In the Rulings dated 10<sup>th</sup> January 2014 and 31<sup>st</sup> March 2014 relating to TMA Nos. 69857 and 69858 respectively, the Registrar of Trade Marks awarded costs to Solpia Group Inc (the Applicants) with respect to the opposition proceedings filed against registration of the trade mark applications by Strategic Industries Ltd (the Opponents).

On 3<sup>rd</sup> June 2014, the Applicants filed their Bills of Costs with the Registrar of Trade Marks. The Bills were forwarded to the Applicants and were fixed for taxation on 26<sup>th</sup> February 2015. While the Applicants were duly represented by Kaplan & Stratton Advocates during the taxation of the Bills of Costs, the Opponents neither attended the taxation proceedings nor were they represented.

## **Ruling**

The following is a consideration of the Applicants' Bills of Costs:

### **1. Instructions fee**

The Applicants' Bills of Costs indicates that the Applicants have claimed Kshs. 600,000.00 as instructions fee for each of the Bills. The Applicants claim that the instructions fee charged represents the skill and labour expended by the Applicants' Advocates for the following reasons:

- (a) The Applicants incurred unnecessary expenses in hiring an investigator to determine the veracity of the Opponents' claim relating to having offered goods bearing the trade marks "VICA" and "QUEEN ALICE" in the Kenyan market prior to the Applicants filing their applications to register the respective trade marks in Kenya;

- (b) The Applicants established that the Opponents had not offered goods bearing the trade marks “VICA” and “QUEEN ALICE” in the Kenyan market which means that the Opponents were determined to shut out the Applicants from the Kenyan market. This points to the value of the respective trade marks to both the Opponents and the Applicants who would want to have a share of the lucrative Kenyan market with respect to the goods in class 26 of the Nice Classification;
- (c) It was imperative that the Applicants should be able to use their trade marks for the goods in class 26 bearing their trade marks in the Kenyan market without hindrance from the Opponents. This was particularly important having regard to the substantial potential sales of such goods in Kenya. The potential market for the Applicants’ goods is substantial and it was of utmost importance to the Applicants to be able to register their trade marks and use them freely for such goods in Kenya without being exposed to trade mark infringement claims by the Opponents based on their fictitious claims revealed by the Opponents in their Notices of Opposition and Statutory Declarations;
- (d) In the case of *Joreth Ltd v Kigano and Associates*<sup>1</sup>, it was held that the value of the subject matter of a suit for the purposes of taxation of a bill of costs ought to be determined from the pleadings, the judgement or the settlement, if such be the case. The pleadings filed and the exhibits attached to the Statutory Declarations and the written submissions together with a list of authorities totaling to 168 pages filed by the Applicants indicate the importance and the value that the Applicants attach to their trade marks; and

---

<sup>1</sup> Civil Appeal No. 66 of 1999.

(e) In *Republic versus the Minister of Agriculture and two others Exparte, Samuel Muchiri W’Njuguna and 6 others*<sup>2</sup>, the Court indicated that the grounds to be considered in increasing the instructions fee should include the complexity of the issues, importance of the matters to the parties, volume of documents, interest involved and the amount of responsibility entrusted to the Advocates. The proceedings were complex and the responsibility entrusted on the Advocates by the Applicants was enormous.

The Applicants are seeking to be indemnified for defending the opposition proceedings that were filed by the Opponents with regard to registration of the Applicants’ trade marks “VICHER” and “HAALICE”. This is in accordance with the well recognised principle that requires indemnity of the successful party for the costs expended while initiating or defending the respective proceedings.<sup>3</sup> However, there should be a balance to ensure that while seeking to indemnify the successful party in the respective proceedings, the successful party is not unjustly enriched whereas the losing party is punished.

In the case of *Republic versus the Minister of Agriculture and two others Exparte, Samuel Muchiri W’Njuguna and 6 others*<sup>4</sup>, the Court stated as follows:

“... (ii) the taxation of the advocates’ instructions fees is to seek no more and no less than reasonable compensation for professional work done;

(iii) the taxation of advocates’ instructions fees should avoid any prospect of unjust enrichment, for any particular party or parties... ”

Further, in the English case of *Harold -v- Smith*<sup>5</sup>, the principle of indemnity was expounded as follows:

---

<sup>2</sup> [2006] eKLR.

<sup>3</sup> Michael J. Cook, *Cook on Costs, A Guide to Legal Remuneration in Civil Contentious and Contentious Business*, (1995) 175

<sup>4</sup> [2006] eKLR.

“costs as between party and party are given by the law as an indemnity to the person entitled to them: they are not imposed as a punishment on the party who pays them, nor given as a bonus to the party who receives them. Therefore, if the extent of the indemnification can be found out, the extent to which costs are to be allowed is also ascertained.”

In the case of *Premchand Raichand Ltd & Another v Quarry Services of East Africa Ltd & Another*<sup>6</sup>, the Court of Appeal stated that a successful litigant ought to be fairly reimbursed for the costs incurred in the respective matter.

The following is on record at the Registry of Trade Marks with respect to the two opposition proceedings:

1. The Opponents’ Notices of Opposition were two (2) pages each for both opposition proceedings;
2. The Applicants’ Counter-Statements were three (3) pages each for both opposition proceedings;
3. The Opponents’ Statutory Declarations were three (3) pages and the documentary evidence adduced was about thirty (30) pages each for both opposition proceedings;
4. The Applicants filed two Statutory Declarations for each of the opposition proceedings. The first were four (4) pages and the documentary evidence adduced was ten (10) pages while the second were three (3) pages and the documentary evidence adduced was ten (10) pages;

---

<sup>5</sup> [1850] 5 H. & N. 381, 385.

<sup>6</sup> [1972] E.A 162

5. The Opponents' written submissions were five pages for each opposition proceedings were six (6) pages;
6. The Applicants' written submissions were thirteen (13) pages for each opposition proceedings and the authorities attached were about one hundred and sixty eight (168) pages;
7. The Opponents' written submissions were three (3) pages; and
8. The Registrar's ruling was thirteen (13) pages with respect to TMA No. 69857 and sixteen (16) pages with respect to TMA No. 69858.

Following an analysis of the skill and labour expended in the opposition proceedings and considering the fact that award of costs at the Registry of Trade Marks should be consistent, I hereby allow the Applicants' claim for instructions fees at Kshs. 500, 000.00 for each of the opposition proceedings. This is an enhancement of the minimum instruction fee allowed by paragraph 9 (a), Schedule IV of the Advocates Remuneration Order, 2009 by Kshs. 350, 000.00 and a reduction of the Applicants' claim by Kshs.100, 000.00.

## **2. Other fees**

During the taxation of the Bills of Costs that was held on 26<sup>th</sup> February 2015, the Applicants only submitted on the instructions fees and stated that the rest of the fees indicated on the Applicants' Bill of Costs had been charged on scale as provided for under Schedule IV of the Advocates Remuneration Order, 2009. However, I have considered the fees charged for all the items and I have adjusted some of them upon recognition that the fees had been charged contrary to the provisions of Schedule IV of the Advocates Remuneration Order, 2009 as follows:

(a) **Folios:** The Applicants have made several claims based on erroneous number of folios in accordance with the records available at the Registry of Trade Marks. The claims are based on receiving and perusing documents or letters from the Registrar of Trade Marks and the Opponents as well as drawing of documents that the Applicants filed at the Registry. I have therefore adjusted the folios by striking through the erroneous number of folios on the taxed Bill of Costs, indicated the correct number of folios, taxed off the extra amount of money and I have allowed the correct charge as indicated in items 1, 6, 9, 21, 22, 26, 27, 28, 35, 40, 41, 45, 46, 47, 48, 62, 65, 69, 73, 74, 75, 76, 77, 79, 83, and 84 of the taxed Bill of Costs relating to TMA No. 69857 and items 1, 8, 10, 22, 23, 27, 28, 29, 36, 41, 42, 46, 47, 48, 49, 62, 69, 76, 77, 78, 79, 81, 91, and 92 of the taxed Bill of Costs relating to TMA No. 69858;

**(b) Receiving and perusing:**

- (i) Paragraph 10 (c) (ii), Schedule IV of the Advocates Remuneration Order, 2009 provides for charging for receiving and perusing of letters as either Kshs. 50 per folio or Kshs. 84 per letter. The Applicants have charged Kshs. 50 or Kshs.84 interchangeably. For consistency, I have allowed Kshs. 50 per folio and allowed the charges depending on the number of folios for each letter received and perused as indicated in items 5, 34, 37, 50, 53, 55, 62, 71, 72, 78, 84 and 89 relating to TMA No. 69857 and items 6, 35, 38, 51, 54, 56, 62, 63, 64, 66, 80, 82 and 89 of the taxed Bill of Costs relating to TMA No. 69858; and
- (ii) Paragraph 10 (e), Schedule IV of the Advocates Remuneration Order, 2009 provides that receiving and perusing of documents filed in opposition proceedings should be charged as indicated under paragraph 8 (a) Schedule VI of the Advocates Remuneration Order, 2009. The paragraph allows Kshs. 42 to be charged for receiving and perusing of documents per folio which I have allowed accordingly as indicated in

items 6, 35, 73 and 79 of the taxed Bill of Costs relating to TMA No. 69857 and in items 3, 8, 36, 81, 83 and 84 of the taxed Bill of Costs relating to TMA No. 69858;

**(c) Attendances**

- (i) Under items 82 and 90 with respect to TMA Nos. 69857 and 69858 respectively, the Applicants have claimed Kshs 2, 415.00 for attending before the Registrar of Trade Marks for 45 minutes, to take the rulings delivered in each of the opposition proceedings. However, records at the Registry of Trade Marks indicate that the session relating to TMA No. 69857 took 5 minutes while the session relating to TMA No. 69858 took 20 minutes and I have therefore allowed Kshs 1,074.00 and Kshs 1,074.00 as the appropriate charge for the 5 minutes and 20 minutes respectively; and
- (ii) Under items 90 and 98, the Applicants have claimed Kshs 5, 880.00 for attending before the Registrar of Trade Marks for taxation of the Bills of Costs for each of the opposition proceedings. During the taxation of the Bills, the Applicants indicated that the charges would depend on the time taken during the taxation of the Bills of Costs. The records at the Trade Marks Registry indicate that the session took 43 minutes and I have therefore allowed Kshs 4,410.00 as the appropriate charge for the 43 minutes. As indicated earlier, during the taxation of the Bills of Costs, the Applicants made submissions only one Bill and it was agreed that the submissions would relate to the two Bills of Costs whose charges with respect to instructions fee were identical. In consideration of the above, I have allowed the charges only with respect to TMA No. 69857 “VICHER”.



**Award**

The upshot of the foregoing is that I have allowed **Kshs. 533,765.00** as costs with respect to opposition proceedings in TMA No. 69857 “VICHER” and Kshs. **530,581.00** as costs with respect to opposition proceedings in TMA No. 69858 “HALIICE”. I have also allowed **USD 754.00** as disbursements for each of the opposition proceedings. This sum is arrived at as indicated on the attached taxed Bills of Costs.

**Eunice Njuguna**

**Assistant Registrar of Trade Marks**

**2<sup>nd</sup> Day of June 2015**

I certify that this is a true copy of the original

A handwritten signature in black ink, appearing to read 'Eunice Njuguna', with a stylized circular flourish at the end.

**Eunice Njuguna**

**Assistant Registrar of Trade Marks**

**2<sup>nd</sup> Day of June 2015**

**THE TRADE MARKS ACT CAP 506 OF THE LAWS OF KENYA**

**AND**

**IN THE MATTER OF TRADE MARK NO. KE/T/2009/69857 “VICHER” IN CLASS 26 IN  
THE NAME OF SOLPIA GROUP INC (THE APPLICANTS) AND OPPOSITION THERETO BY  
STRATEGIC INDUSTRIES LTD (THE OPPONENTS)**

**APPLICANTS’ TAXED BILL OF COSTS**

<b>Item</b>	<b>Date</b>	<b><u>Particulars</u></b>	<b>Amount Charged</b>	<b>Amount Taxed off</b>	<b>Amount allowed</b>
1.	12.07.11	Receiving and perusing letter from Opponents' Advocate dated 12 <sup>th</sup> July 2011 ( <del>3 folios</del> 2 folios)	150.00	50.00	100.00
2.	13.07.11	Response letter to the Opponents' Advocate	210.00	00.00	210.00
3.	04.08.11	Instructions to defend opposition	600,000.00	100,000.00	500,000.00
4.		Letter to the Opponents' Advocate responding to opposition upon receipt of instructions from Applicants	210.00	00.00	210.00
5.	16.09.11	Receiving and perusing letter from the Registrar dated 16 <sup>th</sup> September 2011 forwarding Notice of Opposition	84.00	34.00	50.00
6.		Receiving and perusing Notice of Opposition ( <del>4 folios</del> 2 folios)	120.00	36.00	84.00
7.	13.10.11	Drawing Form TM 1 (1 Folio)	336.00	00.00	336.00
8.	21.10.11	Letter forwarding Form TM 1 to the Registry (1folio)	210.00	00.00	210.00
9.		Two copies of the above letter ( <del>3 folios</del> 1 folio)	198.00	132.00	66.00
10.		Two copies of the Form TM 1 (1folio)	66.00	00.00	66.00
11.		Attending Registry to file Form TM 1	420.00	00.00	420.00

12.		Drawing Form TM 53 (1 Folio)	336.00	00.00	336.00
13.		Two copies of Form TM 53 (1 Folio)	66.00	00.00	66.00
14.		Letter forwarding Form TM 53 to The Registry (3 folios). <u>It is noted that the Applicants enclosed the Forms TM 53 and TM 1 in a Letter dated 21<sup>st</sup> October 2011, Which has been charged and Allowed under item 8 above</u>	378.00	378.00	00.00
15.		Two copies of the above letter (3 folios) <u>See comments in item 14 Above</u>	198.00	198.00	00.00
16.		Attending Registry to file Form TM 53	420.00	00.00	420.00
17.	31.10.11	Letter to the Opponents' Advocate enclosing a copy of endorsed Form TM 53 (1 folio)	210.00	00.00	210.00
18.		One copy of the above letter(1 folio)	33.00	00.00	33.00
19.	22.11.11	Drawing Form TM 53 (1 Folio)	336.00	00.00	336.00
20.		Two copies of Form TM 53 (1 Folio)	66.00	00.00	66.00
21.		Letter forwarding Form TM 53 to the Registry ( <del>2 folios</del> 1 folio)	252.00	42.00	210.00
22.		Two copies of the above letter ( <del>2 folios</del> 1 folio)	132.00	66.00	66.00
23.		Attending Registry to file Form TM 53	420.00	00.00	420.00
24.	01.12.11	Letter to the Opponents' Advocate enclosing a copy of endorsed Form TM 53 (1 folio)	210.00	00.00	210.00
25.		One copy of the above letter(1 folio)	33.00	00.00	33.00
26.	19.12.11	Drawing Counter Statement ( <del>6 folios</del> 3 folios )	2,016.00	1,008.00	1,008.00

27.		Three copies of Counter Statement ( <del>6 folios</del> 3 folios )	594.00	297.00	297.00
28.		Letter to Registrar forwarding Counter Statement ( <del>6 folios</del> 1 folio)	252.00	42.00	210.00
29.		Attending Registry to file Counter Statement	420.00	00.00	420.00
30.	19.01.12	Letter to Registrar enclosing stamped Form TM 1 (1 folio)	210.00	00.00	210.00
31.		One copy of the above letter(1 folio)	33.00	00.00	33.00
32.		One copy of Form TM 1 (1 Folio)	33.00	00.00	33.00
33.		Attending Registry to file Form TM 1	420.00	00.00	420.00
34.	07.05.12	Receiving and perusing letter from the Registrar dated 27 <sup>th</sup> April 2012 forwarding Statutory Declaration	84.00	34.00	50.00
35.		Perusing Opponents' Statutory Declaration ( <del>7 folios</del> 3 folios)	210.00	84.00	126.00
36.	09.05.12	Letter to Registrar enquiring about Opponents' incomplete Statutory Declaration	210.00	00.00	210.00
37.	16.05.12	Receiving and perusing letter from the Registrar dated 14 <sup>th</sup> May 2012 confirming contents of letter above	84.00	34.00	50.00
38.	27.06.12	Drawing Form TM 53 (1 Folio)	336.00	00.00	336.00
39.		Two copies of Form TM 53 (1 Folio)	66.00	00.00	66.00
40.		Letter forwarding Form TM 53 to the Registry ( <del>2 folios</del> 1 folio)	252.00	42.00	210.00
41.		Two copies of the above letter ( <del>2 folios</del> 1 folio)	198.00	132.00	66.00
42.		Attending Registry to file Form TM 53	420.00	00.00	420.00

43.	03.07.12	Letter to the Opponents' Advocate enclosing a copy of endorsed Form TM 53 (1 folio)	210.00	00.00	210.00
44.		One copy of the above letter(1 folio)	33.00	00.00	33.00
45.	03.07.12	Drawing Applicants' two Statutory Declarations ( <del>15 folios</del> 7 folios)	5,040.00	2,688.00	2,352.00
46.		Three copies of two Statutory Declarations ( <del>15 folios</del> 7 folios)	1,485.00	99.00	1,386.00
47.	30.07.12	Letter to Registry enclosing Statutory Declarations ( <del>3 folios</del> 1 folio)	252.00	42.00	210.00
48.		Two copies of the above letter ( <del>3 folios</del> 1 folio)	198.00	132.00	66.00
49.	01.08.12	Attending Registry to file Statutory Declarations	420.00	00.00	420.00
50.	03.08.12	Perusing letter from Registry to the Opponents' Advocate dated 13 <sup>th</sup> August 2012 forwarding Statutory Declarations	84.00	34.00	50.00
51.	01.10.12	Letter to Registry requesting a date to fix the matter for hearing (2 folios)	210.00	00.00	210.00
52.		One copy of the above letter(2 folios)	66.00	00.00	66.00
53.	08.10.12	Receiving and perusing letter from the Registry dated 5 <sup>th</sup> October 2012 inviting parties to fix a hearing date	84.00	34.00	50.00
54.	12.10.12	Attending Registry to fix hearing date	420.00	00.00	420.00
55.	18.10.12	Receiving and perusing letter from the Registry confirming hearing date	84.00	34.00	50.00
56.	23.10.12	Drawing Form TM 8 (1 folio)	336.00	00.00	336.00

57.		One copy of Form TM 8 (1 Folio)	33.00	00.00	33.00
58.	23.10.12	Letter to the Registry enclosing Form TM 8	210.00	00.00	210.00
59.		One copy of the above letter	33.00	00.00	33.00
60.	24.10.12	Attending Registry to file Form TM 8	420.00	00.00	420.00
61.	01.02.13	Letter to Registry to confirm whether written submissions should be filed	210.00	00.00	210.00
62.	07.02.13	Receiving and perusing letter from the Registry dated 5 <sup>th</sup> February 2013 instructing the parties to file a consent to proceed by way of written submissions	84.00	34.00	50.00
63.	13.02.13	Drawing consent letter (3 folios)	1,008.00	00.00	1,008.00
64.		Three copies of consent letter	297.00	00.00	297.00
65.		Letter to Opponents' Advocates enclosing consent letter (2 <del>folios</del> 1 folio)	210.00	00.00	210.00
66.		One copy of the letter above	33.00	00.00	33.00
67.		Letter to Registry enclosing consent letter (2 folios)	210.00	00.00	210.00
68.	15.02.13	Attending Registry to file consent letter (2 folios)	420.00	00.00	420.00
69.		Letter to Opponents' Advocates enclosing consent letter duly stamped received by the Registry	210.00	00.00	210.00
70.		One copy of the letter above (3 folios)	33.00	00.00	33.00
71.	22.02.13	Receiving and perusing letter from the Registrar dated 20 <sup>th</sup> February 2013 confirming that the matters proceeds by way of written submissions	84.00	34.00	50.00

72.	12.03.13	Receiving and perusing letter from the Registrar dated 18 <sup>th</sup> March 2013 forwarding Opponents' written submissions	84.00	34.00	50.00
73.		Perusing Opponents' submissions ( <del>12 folios</del> 5 folios)	350.00	140.00	210.00
74.	25.03.13	Drawing Applicants' submissions ( <del>66 folios</del> 14 folios )	22,176.00	17,472.00	4,704.00
75.		Three copies of submissions ( <del>66 folios</del> 14 folios )	6,534.00	5148.00	1386.00
76.		Letter to the Registry enclosing submissions ( <del>3 folios</del> 1 folio)	210.00	00.00	210.00
77.		One copy of the letter above ( <del>3 folios</del> 1 folio)	99.00	66.00	33.00
78.	24.06.13	Receiving and perusing letter from the Registrar dated 18 <sup>th</sup> June 2013 forwarding Opponents' written submissions in reply	84.00	34.00	50.00
79.		Receiving and perusing Opponents' written submissions in reply ( <del>6 folios</del> 3 folios)	180.00	54.00	126.00
80.	14.11.13	Letter to Registrar requesting to be informed of a ruling date	210.00	00.00	210.00
81.		Copy of the letter above	33.00	00.00	33.00
82.	10.01.14	Attending before the Registrar of Trade Marks to take ruling @ Kshs. 805 per 15 minutes ( <del>45 minutes</del> 5 minutes)	2,415.00	2,145.00	270.00
83.	30.05.14	Drawing a bill of costs for taxation ( <del>12 folios</del> 7 folios)	4,032.00	1,680.00	2,352.00
84.		Making three copies of the bill of costs for taxation ( <del>12 folios</del> 7 folios)	1,188.00	495.00	693.00
85.	03.06.14	Letter to Registrar with bill of costs	210.00	00.00	210.00
86.		One copy of the letter above	33.00	00.00	33.00

87.		Attending Registry to file bill of costs	420.00	00.00	420.00
88.		Drawing Form TM 8	336.00	00.00	336.00
89.		Attending Registry to file the same	420.00	00.00	420.00
90.		Attending before the Assistant Registrar of Trade Marks for taxation @ Kshs. 1470.00 per 15 minutes for the taxation of bill of costs	5,880.00	1,470.00	4,410.00
		<b>Total</b>	<del>668,135.00</del> <b>668,243.00</b>	<b>134,478.00</b>	<b>533,765.00</b>

Disbursements in US Dollars					
91.		Filing fees for extension of time	100.00	00.00	100.00
92.		Stamping and filing fees for Form TM 1	54.00	00.00	54.00
93.		Filing fees for two extensions of time	100.00	00.00	100.00
94.		Filing fees for Form TM 8	200.00	00.00	200.00
95.		Filing fees for Bill of Costs	100.00	00.00	100.00
96.		Filing fees for Form TM 8	200.00	00.00	200.00
<b>Total</b>			<b>754.00</b>	<b>00.00</b>	<b>754.00</b>



**Eunice Njuguna**

**Assistant Registrar of Trade Marks**

**2<sup>nd</sup> Day of June 2015**



**THE TRADE MARKS ACT CAP 506 OF THE LAWS OF KENYA**

**AND**

**IN THE MATTER OF TRADE MARK NO. KE/T/2009/69858 “HAALICE” IN CLASS 26 IN  
THE NAME OF SOLPIA GROUP INC (THE APPLICANTS) AND OPPOSITION THERETO BY  
STRATEGIC INDUSTRIES LTD (THE OPPONENTS)**

**APPLICANTS’ TAXED BILL OF COSTS**

Item	Date	Particulars	Amount Charged	Amount Taxed off	Amount allowed
1.	12.07.11	Receiving and perusing letter from Opponents' Advocate dated 12 <sup>th</sup> July 2011 ( <del>3 folios</del> 2 folios)	150.00	50.00	100.00
2.	13.07.11	Response letter to the Opponents' Advocate	210.00	00.00	210.00
3.	28.07.11	Perusing copy of application for an extension of time by the Opponents' Advocate( <del>3 folios</del> 1 folio)	90.00	40.00	50.00
4.	04.08.11	Instructions to defend opposition	600,000.00	100,000.00	500,000.00
5.	04.08.11	Letter to the Opponents' Advocate responding to opposition upon receipt of instructions from Applicants	210.00	00.00	210.00
6.	16.09.11	Receiving and perusing letter from the Registrar dated 16 <sup>th</sup> September 2011 forwarding Notice of Opposition	84.00	34.00	50.00
7.	13.10.11	Drawing Form TM 1 (1Folio)	336.00	00.00	336.00
8.		Receiving and perusing Notice of Opposition ( <del>4 folios</del> 2 folios)	120.00	36.00	84.00
9.	21.10.11	Letter forwarding Form TM 1 to the Registry (1folio)	210.00	00.00	210.00
10.		Two copies of the above letter ( <del>3 folios</del> 1 folio)	198.00	132.00	66.00
11.		Two copies of the Form TM 1 (1folio)	66.00	00.00	66.00

12.		Attending Registry to file Form TM 1	420.00	00.00	420.00
13.		Drawing Form TM 53 (1 Folio)	336.00	00.00	336.00
14.		Two copies of Form TM 53 (1 Folio)	66.00	00.00	66.00
15.		Letter forwarding Form TM 53 to the Registry (3 folios). <u>It is noted that the Applicants enclosed the Forms TM 53 and TM 1 in a single letter dated 21<sup>st</sup> October 2011, which has been charged for and allowed under item 9 above</u>	378.00	378.00	00.00
16.		Two copies of the above letter (3 folios) <u>See comments in item 15 above</u>	198.00	198.00	00.00
17.		Attending Registry to file Form TM 53	420.00	00.00	420.00
18.	31.10.11	Letter to the Opponents' Advocate enclosing a copy of endorsed Form TM 53 (1 folio)	210.00	00.00	210.00
19.		One copy of the above letter(1 folio)	33.00	00.00	33.00
20.	22.11.11	Drawing Form TM 53 (1Folio)	336.00	00.00	336.00
21.		Two copies of Form TM 53 (1 Folio)	66.00	00.00	66.00
22.		Letter forwarding Form TM 53 to the Registry ( <del>2 folios</del> 1 folio)	252.00	42.00	210.00
23.		Two copies of the above letter ( <del>2 folios</del> 1 folio)	132.00	66.00	66.00
24.		Attending Registry to file Form TM 53	420.00	00.00	420.00
25.	01.12.11	Letter to the Opponents' Advocate enclosing a copy of endorsed Form TM 53 (1 folio)	210.00	00.00	210.00
26.		One copy of the above letter(1 folio)	33.00	00.00	33.00
27.	19.12.11	Drawing Counter Statement ( <del>6 folios</del> 3 folios )	2,016.00	1,008.00	1,008.00

28.		Three copies of Counter Statement ( <del>6 folios</del> 3 folios )	594.00	297.00	297.00
29.		Letter to Registrar forwarding Counter Statement ( <del>6 folios</del> 1 folio)	252.00	42.00	210.00
30.		Attending Registry to file Counter Statement	420.00	00.00	420.00
31.	19.01.12	Letter to Registrar enclosing stamped Form TM 1	252.00	42.00	210.00
32.		One copy of the above letter(1 folio)	33.00	00.00	33.00
33.		One copy of Form TM 1 (1 Folio)	33.00	00.00	33.00
34.		Attending Registry to file Form TM 1	420.00	00.00	420.00
35.	07.05.12	Receiving and perusing letter from the Registrar dated 27 <sup>th</sup> April 2012 forwarding Statutory Declaration	84.00	34.00	50.00
36.		Perusing Opponents' Statutory Declaration ( <del>7 folios</del> 3 folios)	210.00	84.00	126.00
37.	09.05.12	Letter to Registrar enquiring about Opponents' incomplete Statutory Declaration	210.00	00.00	210.00
38.	16.05.12	Receiving and perusing letter from the Registrar dated 14 <sup>th</sup> May 2012 confirming contents of letter above	84.00	34.00	50.00
39.	27.06.12	Drawing Form TM 53 (1 Folio)	336.00	00.00	336.00
40.		Two copies of Form TM 53 (1 Folio)	66.00	00.00	66.00
41.		Letter forwarding Form TM 53 to the Registry ( <del>2 folios</del> 1 folio)	252.00	42.00	210.00
42.		Two copies of the above letter ( <del>2 folios</del> 1 folio)	198.00	132.00	66.00
43.		Attending Registry to file Form TM 53	420.00	00.00	420.00
44.	03.07.12	Letter to the Opponents' Advocate enclosing a copy of endorsed Form TM 53 (1 folio)	210.00	00.00	210.00

45.		One copy of the above letter(1 folio)	33.00	00.00	33.00
46.	03.07.12	Drawing Applicants' two Statutory Declarations ( <del>15 folios</del> 7 folios)	5,040.00	2,688.00	2,352.00
47.		Three copies of two Statutory Declarations ( <del>15 folios</del> 7 folios)	1,485.00	99.00	1,386.00
48.	30.07.12	Letter to Registry enclosing Statutory Declarations ( <del>3 folios</del> 1 folio)	252.00	42.00	210.00
49.		Two copies of the above letter (3 <del>folios</del> 1 folio)	198.00	132.00	66.00
50.		Attending Registry to file Statutory Declarations	420.00	00.00	420.00
51.		Perusing letter from Registry to Opponents' Advocate dated 13 <sup>th</sup> August 2012 forwarding Statutory Declarations	84.00	34.00	50.00
52.	01.10.12	Letter to Registry requesting a date to fix the matter for hearing (2 folios)	210.00	00.00	210.00
53.		One copy of the above letter(2 folios)	66.00	00.00	66.00
54.	08.10.12	Receiving and perusing letter from the Registry dated 5 <sup>th</sup> October 2012 inviting parties to fix a hearing date	84.00	34.00	50.00
55.	12.10.12	Attending Registry to fix hearing date	420.00	00.00	420.00
56.	18.10.12	Receiving and perusing letter from the Registry confirming hearing date	84.00	34.00	50.00
57.	23.10.12	Drawing Form TM 8 (1 folio)	336.00	00.00	336.00
58.		One copy of Form TM 8 (1 Folio)	33.00	00.00	33.00
59.	23.10.12	Letter to the Registry enclosing Form TM 8	210.00	00.00	210.00
60.		One copy of the above letter	33.00	00.00	33.00
61.	24.10.12	Attending Registry to file Form TM 8	420.00	00.00	420.00

62.	25.10.12	Receiving and perusing letter from the opponents' Advocates requesting new hearing date ( <del>2 folios</del> 1 folio)	100.00	50.00	50.00
63.	29.11.12	Receiving and perusing letter from the Registry dated 23 <sup>rd</sup> November 2012 inviting parties to fix another hearing date	84.00	34.00	50.00
64.	09.01.13	Reviewing and perusing letter from the Registry dated 18 <sup>th</sup> December 2012 confirming hearing date	84.00	34.00	50.00
65.	05.02.13	Letter to the Registry confirming if written submissions should be filed	210.00	00.00	210.00
66.	07.02.13	Receiving and perusing letter from the Registry dated 8 <sup>th</sup> February 2013 instructing parties to file a consent to proceed by way of written submissions	84.00	34.00	50.00
67.	13.02.13	Drawing consent letter (3 folios)	1,008.00	00.00	1,008.00
68.		Three copies of consent letter	297.00	00.00	297.00
69.		Letter to Opponents' Advocates enclosing consent letter ( <del>2 folios</del> 1 folio)	210.00	00.00	210.00
70.		One copy of the letter above	33.00	00.00	33.00
71.	13.02.13	Letter to Opponents' Advocates forwarding revised letter	210.00	00.00	210.00
72.	15.02.13	Letter to Registry enclosing consent letter (2 folios)	210.00	00.00	210.00
73.	15.02.13	Attending Registry to file consent letter (2 folios)	420.00	00.00	420.00
74.		Letter to Opponents' Advocates enclosing consent letter duly stamped received by the Registry	210.00	00.00	210.0
75.		One copy of the letter above (3 folios)	33.00	00.00	33.00

76.	15.03.13	Drawing Applicants' submissions (47 <del>folios</del> 13 folios )	15,792.00	11,424.00	43,68.00
77.		Three copies of submissions (47 <del>folios</del> 13 folios )	4,653.00	3,366.00	1,287.00
78.		Letter to the Registry enclosing submissions (3 <del>folios</del> 1 folio)	210.00	00.00	210.00
79.		One copy of the letter above (3 <del>folios</del> 1 folio)	99.00	66.00	33.00
80.	25.03.13	Receiving and perusing letter from the Registrar forwarding Opponents' submissions	84.00	34.00	50.00
81.		Perusing Opponents' submissions (12 <del>folios</del> 5 folios)	504.00	294.00	210.00
82.	26.04.13	Receiving and perusing letter from the Registry forwarding Applicants' submissions	84.00	34.00	50.00
83.	29.04.13	Receiving and perusing Form TM 53 from Opponents(1 folio)	336.00	294.00	42.00
84.	03.06.13	Receiving and perusing Form TM 53 from Opponents(1 folio)	336.00	294.00	42.00
85.	02.08.13	Letter to Registrar requesting a ruling date	210.00	00.00	210.00
86.	14.11.13	Letter to Registry requesting to be informed of ruling date	210.00	00.00	210.00
87.		Copy of the letter above	33.00	00.00	33.00
88.	04.02.14	Letter to Registrar further requesting a ruling date	210.00	00.00	210.00
89.	21.03.14	Receiving and perusing letter from Registrar on ruling date	84.00	34.00	50.00
90.	31.03.14	Attending before the Registrar of Trade Marks to take ruling @ Kshs. 805 per 15 minutes (45 <del>minutes</del> 20 minutes)	2,415.00	1,074.00	1,341.00
91.	30.05.14	Drawing a bill of costs for taxation (12 <del>folios</del> 7 folios)	4,032.00	1,680.00	2,352.00

92.		Making three copies of the bill of costs for taxation (12 folios 7 folios)	1,188.00	693.00	495.00
93.	03.06.14	Letter to Registrar with bill of costs	210.00	00.00	210.00
94.		One copy of the letter above	33.00	00.00	33.00
95.		Attending Registry to file bill of costs	420.00	00.00	420.00
96.		Drawing Form TM 8	336.00	00.00	336.00
97.		Attending Registry to file the same	420.00	00.00	420.00
98.		Attending before the Assistant Registrar of Trade Marks for taxation @ Kshs. 1, 470.00 per 15 minutes for the taxation of bill of costs	5,880.00	5,880.00	00.00
<b>Total</b>			<del>661,314.00</del> <b>661,654.00</b>	<b>131,073.00</b>	<b>530,581.00</b>
<b>Disbursements in US Dollars</b>					
99.		Filing fees for extension of time	100.00	00.00	100.00
100.		Stamping and filing fees for Form TM 1	54.00	00.00	54.00
101.		Filing fees for two extensions of time	100.00	00.00	100.00
102.		Filing fees for Form TM 8	200.00	00.00	200.00
103.		Filing fees for Bill of Costs	100.00	00.00	100.00
104.		Filing fees for Form TM 8	200.00	00.00	200.00
<b>Total</b>			<b>754.00</b>	<b>0.00</b>	<b>754.00</b>



**Eunice Njuguna**  
Assistant Registrar of Trade Marks