

**Intellectual Property Department
Government of the Hong Kong SAR**



Circular No. 1 of 2008

The Scale of Costs Applicable in Opposition Proceedings

1. Where a party is entitled to costs pursuant to an order made by the Registrar, costs awarded for perusal, preparing and filing of certain documents in opposition proceedings under Cap. 559 and preparing and attending extension of time hearings in relation to the proceedings will be calculated on the basis of the usual scale in Part I of the First Schedule to Order 62 of the Rules of the High Court (Cap. 4A) according to the scale set out in the following table:-

(a)	Opposition proceedings commenced on or after 1 August 2008	Scale party and party costs allowed
Item (i)	Preparing and filing Notice of Opposition or Counter-Statement	Up to HK\$8,000 plus official fees plus translation costs (where required for details of foreign trade marks).
Item (ii)	Perusal of Notice of Opposition or Counter-Statement	Up to HK\$6,000
(b)	Extension of time hearings commenced on or after 1 August 2008	Scale party and party costs allowed
Item (iii)	Preparation for and attendance	Up to HK\$8,000

2. The Scale of Costs is applicable when the party awarded costs was legally represented in relation to the relevant items referred to in the table above.
3. The effective date of the Scale of Costs is 1 August 2008. It is applicable to opposition proceedings commenced on or after 1 August 2008 and extension of time hearings commenced, that is, they are actually heard, on or after 1 August 2008.
4. The Scale of Costs is subject to review from time to time to take better account of the real costs involved in litigation before the Registrar.
5. The purpose of this Scale of Costs is to establish a scale on the amount of costs that would normally be awarded in relation to the items referred to in the table above. The Registrar's discretion under Cap. 559 to award to any party such costs as he may consider reasonable is not affected by the Scale of Costs, as the circumstances in any given case may justify a deviation from it.
6. Enquiries on this circular can be made by email to: enquiry@ipd.gov.hk

(Peter Cheung)
For Director of Intellectual Property

(Peter Cheung, Deputy Director of Intellectual Property)

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