# **INTELLECTUAL PROPERTY PRACTICE NOTE – STANDARD DIRECTIONS FOR AUSTRALIAN PATENT PROCEEDINGS (IP-2)**

## Intellectual Property Practice Area

## NPA Sub-Area Practice Note

#### Annexure D

##### **DRAFT FORM STATEMENT OF COSTS**

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and another" or "and others"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and another" or "and others"]

Respondent[s]

**[Name of First Cross-claimant]** [if 2 or more add "and another" or "and others"]

Cross-claimant[s]

**[Name of First Cross-respondent]** [if 2 or more add "and another" or "and others"]

Cross-respondent[s]

**TOTAL OF CLAIMS – COSTS & DISBURSEMENTS**

|  |  |
| --- | --- |
| **Costs & Disbursements** | **Amount claimed [inclusive/exclusive] of GST $** |
| **Total Costs claimed** (Parts B + C) |  |
| **Total Disbursements claimed** (Part D) |  |
| **Total Costs and Disbursements claimed** |  |

**CERTIFICATE**

|  |  |
| --- | --- |
| I, [Insert full name of lawyer] [insert title eg. "Lawyer for the Applicant/s"] certify that:1. I have read the Federal Court’s [Costs Practice Note (**GPN-COSTS**)](https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-costs) and believe that the claim for costs in this Statement of Costs is consistent with the principles referred to in paragraphs 3.13 to 3.17 of [GPN-COSTS](https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-costs).
2. The [party's role] [is/are] [entitled/not entitled] to claim input tax credits in respect of GST relevant to the claims in the bill and [has/have] complied with Part 6 of the [GPN-COSTS](https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-costs).
3. In this Statement of Costs:
4. the Total Costs and Disbursements claimed in the above table does not exceed the actual costs and disbursements incurred by the [party's role];
5. the [party's role] [is/are] not claiming more than the [opponent's role] [is/are] liable to pay for costs [as between party and party/on an indemnity basis] and disbursements; and
6. the calculations made are correct.
7. The amounts claimed in the Statement are capable of further verification through source material (such as file records, tax invoices and receipts for payment) should such material be required by the Court to be produced.

Date:

|  |
| --- |
|  Signed by [Name of lawyer] |

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**PART A. TABLES OF RATES**

1. **Lawyers**

| **Name of lawyer** | **Position / title** | **Years of experience** | **Hourly Rate [inclusive/exclusive] of GST $** |
| --- | --- | --- | --- |
| (A)       |       |       |       |
| (B)       |       |       |       |
| (C)       |       |       |       |
| (D)       |       |       |       |
| (E)       |       |       |       |

1. **Counsel**

| **Name of counsel** | **Position / title** | **Years of experience** | **Hourly Rate [inclusive/exclusive] of GST $** |
| --- | --- | --- | --- |
| (1)       |       |       |       |
| (2)       |       |       |       |
| (3)       |       |       |       |

**PART C. CLAIMS – COMMUNICATIONS & ATTENDANCES**

|  | **COSTS****Attendances:**  | **(A) hours** | **(B) hours** | **(C) hours** | **(D) hours** | **(1) hours** | **(2) hours** | **(3) hours** | **Amount [inclusive/exclusive]of GST $** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | on client[[1]](#footnote-1) |       |       |       |       |       |       |       |       |
|  | on opponents |       |       |       |       |       |       |       |       |
|  | on others |       |       |       |       |       |       |       |       |
|  | at hearing |       |       |       |       |       |       |       |       |
|  |       |       |       |       |       |       |       |       |       |
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|  | **TOTALS** |  |  |  |  |  |  |  |       |

**PART D. CLAIMS – DOCUMENTS**

|  | **COSTS****Description of work**  | **(A) hours** | **(B) hours** | **(C) hours** | **(D) hours** | **(1) hours** | **(2) hours** | **(3) hours** | **Amount [inclusive/exclusive]of GST $** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |       |       |       |       |       |       |       |       |       |
|  |       |       |       |       |       |       |       |       |       |
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|  | **TOTALS** |  |  |  |  |  |  |  |  |

**PART E. CLAIMS – DISBURSEMENTS**

|  | **Date** | **DISBURSEMENTS****Description of disbursements incurred** | **Amount [inclusive/exclusive] of GST $** |
| --- | --- | --- | --- |
|  |       |       |       |
|  |       |       |       |
|  |       |       |       |
|  |       |       |       |
|  |       |       |       |
|  |  | **TOTALS** |  |

Date: [XX Month YYYY]

|  |
| --- |
| Signed by [Name][Insert capacity: eg. Lawyer for the Applicant] |

1. As appropriate. [↑](#footnote-ref-1)