



Ottawa, Monday, July 22, 2002

File No. PR-2001-036

IN THE MATTER OF a complaint filed by COGNOS Incorporated under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985 (4th Supp.), c. 47;

AND FURTHER TO a determination made pursuant to subsections 30.15(4) and 30.16(1) of the *Canadian International Trade Tribunal Act* to award COGNOS Incorporated its reasonable costs incurred in relation to preparing and proceeding with the complaint.

ORDER

INTRODUCTION

In a determination made on February 20, 2002, the Canadian International Trade Tribunal (the Tribunal) awarded COGNOS Incorporated (COGNOS) its reasonable costs incurred in relation to preparing and proceeding with its complaint.

On March 20, 2002, COGNOS submitted to the Tribunal its claim for costs in the amount of \$8,745.50. The Department of Public Works and Government Services (PWGSC) sent comments on COGNOS's claim on April 19, 2002. COGNOS responded to these comments on April 22, 2002.

COMPLAINT COSTS

COGNOS claimed a total of \$8,396.15 (including PST and GST) in legal fees for 54.6 hours. That amount represents 44 hours at \$150/hour for the senior counsel, 2.6 hours at \$85/hour for the second counsel, and 8 hours at \$60/hour for an articling student. COGNOS also claimed \$357.40 (including PST and GST) in disbursements incurred in connection with its participation in the complaint.

PWGSC submitted that fees claimed for hours worked by counsel should not have included an amount for PST and that, similarly, PST was not payable on disbursements. It further submitted that the claim for photocopies should have been \$0.10 per copy and not \$0.25 per copy as claimed by COGNOS. In its response, COGNOS provided the Tribunal with a new amount (excluding PST) for legal fees totalling \$7,885.08 and for disbursements totalling \$328.08. It also submitted that the charge of \$0.25 per copy for photocopies is fair and reasonable, as these are not considered "in-house photocopies", but a disbursement paid by the client.

With respect to the legal fees, the Tribunal has recalculated the amount claimed by COGNOS and finds that the total fee claimed amounts to \$7,301.00 to which GST is to be applied, at a rate of 7 percent, for a total of \$7,812.07.¹ As to the disbursements, the Tribunal finds that the photocopying costs, as per the guidelines, should be \$0.10 per copy and, thus, the amount for photocopies should have been \$84.00 rather

1. COGNOS mistakenly applied the PST rate of 8 percent to the fee claimed of \$7,301.00 for a total of \$7,885.08, as submitted in its response to PWGSC's comments.

than the \$210.00 billed. This reduces total disbursements to \$177.78. The Tribunal has recalculated the claim by adding the GST² to this amount for total disbursements of \$184.35. Therefore, the total amount of complaint costs allowed is \$7,996.35.

CONCLUSION

The Tribunal hereby awards COGNOS its costs in the amount of \$7,996.35 in relation to preparing and proceeding with the complaint and directs PWGSC to take appropriate action to ensure prompt payment.

James A. Ogilvy
James A. Ogilvy
Presiding Member

Michel P. Granger
Michel P. Granger
Secretary

2. GST is not applicable to photocopies.