

**DISPUTE RESOLUTION SERVICE**

**D00010992**

Decision of Independent Expert

(Summary Decision)

Jose Baptista and Kelly Jackson t/a TaxRefundPro

and

taxrebatepro

**1. The Parties**

Complainant: Jose Baptista and Kelly Jackson t/a TaxRefundPro  
Wear House  
Topsham Road  
Exeter  
Devon  
EX2 7AE  
United Kingdom

Respondent: taxrebatepro  
56 Massey Road  
Tiverton  
Devon  
EX16 6FG  
United Kingdom

**2. The Domain Names**

<taxrebatepro.co.uk>  
<taxrebateprovided.co.uk>

**3. Notification of Complaint**

I hereby certify that I am satisfied that Nominet has sent the Complaint to the Respondent in accordance with paragraphs 2 and 4 of the Procedure.

X Yes  No

#### **4. Rights**

The Complainant has, to my reasonable satisfaction, shown Rights in respect of a name or mark which is identical or similar to <taxrebatepro.co.uk>.

Yes  No

The Complainant has, to my reasonable satisfaction, shown Rights in respect of a name or mark which is identical or similar to <taxrebateprovided.co.uk>.

Yes  No

No further consideration of <taxrebateprovided.co.uk> is thus required.

#### **5. Abusive Registration**

The Complainant has, to my reasonable satisfaction, shown that the Domain Name <taxrebatepro.co.uk> is an Abusive Registration.

Yes  No

#### **6. Other Factors**

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances.

Yes  No

#### **7. Comments**

The Expert is satisfied that the Complainant has demonstrated unregistered trade mark rights in the term TAX REFUND PRO.

The term TAX REFUND PRO is similar to <taxrebatepro.co.uk>, as required by the Policy, because the words "refund" and "rebate" can be said to be more or less interchangeable in this context.

However, the Expert finds that the term TAX REFUND PRO is too far removed from <taxrebateprovided.co.uk> to be said to be similar within the meaning of the Policy. There is nothing to suggest that the term PRO in the Complainant's trade mark is short for "provided", and the Complainant does not appear to use this term. Indeed the term PRO would more commonly be viewed as an abbreviation of the word "professional".

Thus the Complaint in relation to <taxrebateprovided.co.uk> fails at the Rights hurdle, and it is therefore not necessary for the Expert to go on to consider whether or not it is an Abusive Registration.

## 8. Decision

The Expert directs that:

- <taxrebatepro.co.uk> should be transferred to the Complainant;  
and
- No action should be taken in relation to  
<taxrebateprovided.co.uk>.

Signed: Jane Seager

Date: 3 May 2012