

DISPUTE RESOLUTION SERVICE

D00012991

**Decision of Independent Expert
(Summary Decision)**

B & Q Plc

and

Georgina Varmuza

1. The Parties:

Lead Complainant: B & Q Plc
B & Q House
Chestnut Avenue
Eastleigh
Hampshire
SO53 3LE
United Kingdom

Respondent: Georgina Varmuza
Highfield
Lower End
Great Milton
Oxfordshire
OX44 7NJ
United Kingdom

2. The Domain Name(s):

bandqhandymen.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.

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 the Domain name.

Yes No

5. Abusive Registration

The complainant has, to my reasonable satisfaction, shown that the domain name bandqhandymen.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 (optional)

The domain contains the complainant's trade mark. The respondent registered it knowing this but without the complainant's permission. The respondent's communications with the complainant indicate that his intent was to operate a commercial site for profit under the domain. To do so without the complainant's permission would be an infringement of its trade mark. The complainant is not willing to give its permission. Consequently there is no legitimate use to which the respondent can put the domain. Despite this the respondent has refused to transfer the domain to the complainant in return for reimbursement of his out-of-pocket expenses.

8. Decision

| | | | |
|----------------------|-------------------------------------|------------|--------------------------|
| Transfer | <input checked="" type="checkbox"/> | No action | <input type="checkbox"/> |
| Cancellation | <input type="checkbox"/> | Suspension | <input type="checkbox"/> |
| Other (please state) | <input type="checkbox"/> | | |

Signed: Michael Silverleaf

Dated: 15 August 2013