

DISPUTE RESOLUTION SERVICE

D00015034

Decision of Independent Expert

Ceat Limited

and

Technology (UK) Ltd

1. The Parties:

Lead Complainant: Ceat Limited
RPG House
463 Dr. Annie Besant Road
Worli
Mumbai
400030
India

Respondent: Technology (UK) Ltd
4 Wandleys Close
Eastergate
CHICHESTER
West Sussex
PO20 3SH
United Kingdom

2. The Domain Name(s):

ceat.co.uk

3. Procedural History:

I can confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, that need be disclosed as they might be of a such a nature as to call in to question my independence in the eyes of one or both of the parties.

12 November 2014 10:33 Dispute received
12 November 2014 13:22 Complaint validated
12 November 2014 13:34 Notification of complaint sent to parties
14 November 2014 11:32 Response received
14 November 2014 11:33 Notification of response sent to parties
18 November 2014 10:33 Reply received
18 November 2014 11:16 Notification of reply sent to parties
18 November 2014 11:28 Mediator appointed
21 November 2014 12:11 Mediation started
23 December 2014 09:48 Mediation failed
23 December 2014 09:49 Close of mediation documents sent
07 January 2015 01:30 Complainant full fee reminder sent
08 January 2015 12:46 Expert decision payment received
15 January 2015 Keith Gymer appointed as Expert
20 January 2015 Nominet reports Respondent's request to submit a further statement under Paragraph 13b of the DRS Procedure, which the Expert declines to consider.

4. Factual Background

The Complainant, CEAT Limited, is an Indian public limited company, originally incorporated as CEAT Tyres of India Limited in 1958. The Complainant's name was changed to its present name in 1990.

The Complainant traces back its history to 1924, when its predecessor in interest and title, CEAT S.p.A, was established in Turin, Italy. The Complainant was established as a tyre manufacturer in India in 1958. The Complainant manufactures over six million tyres each year, *inter alia* including tyres for passenger and commercial vehicles and motorcycles.

The trade mark **CEAT** is an acronym for *Cavi Electrici Affino Torino* i.e. Electrical Cables and Allied Products Turin, their corporate name in relation to their products.

The complainant relies on the following Indian, UK and OHIM Trade Mark registrations for the purpose of the Complaint:

Country	Mark	Class	Reg.No.	Goods
INDIA	CEAT	12	466079	Tyres and Inner tubes for vehicle wheels
INDIA	CEAT	12	599737	Pneumatic tyres for vehicle wheels
INDIA	CEAT	12	604993	Pneumatic tyres for vehicle wheels
INDIA	CEAT	12	605276	Pneumatic and solid tyres for vehicles
EU	CEAT	12	1716232	Tyres for castings for pneumatic, semi-pneumatic, and solid tyres for vehicle wheels, inner tubes, tyres, 2 parts and fittings for all the aforesaid goods
UK	CEAT	12	000125	Tyres for vehicle wheels, and inner

The Respondent, Technology (UK) Ltd, provides a UK based motoring advertising portal. It operates a website at www.motormouse.co.uk.

According to the Nominet WhoIs records, the disputed Domain Name, ceat.co.uk, was first registered by the Respondent as of 29 August 2002. At the time the Complaint was filed, www.ceat.co.uk redirected to www.motormouse.co.uk.

5. Parties' Contentions

Complainant

The Complainant made substantial, somewhat repetitive, submissions, the more pertinent of which are presented in a somewhat edited and abbreviated form here.

Complainant's Rights

The Complainant is the proprietor and rightful user of the trade mark 'CEAT'.

The Complainant says that its operations have expanded to over 110 countries and it enjoys significant reputation worldwide, and that it has been using continuously and extensively the mark **CEAT** as its trade name and trade mark. It provides in evidence a number of illustrative invoices for the period 2003-2013 pertaining to various jurisdictions.

The mark 'CEAT' is not only the trade mark of the Complainant but is also the dominant part of its trading style, brand name and corporate name.

As a part of its marketing campaign, the Complainant launched the **CEAT** Cricket Rating in 1995, which has come to be recognized as one of the most comprehensive and credible rating systems in international cricket. The Complainant launched its **CEAT** International Cricket Rating Awards, an annual event, in 2000 to recognize excellence in international cricket.

The Complainant's turnover for the year 2013-2014 stands at around USD 900 million, including its export business of around 176 million. Its manufacturing facilities directly employ 6000 people across 5 plants (3 in India and 2 in Sri Lanka) manufacturing a wide range of tyres for all user segments. The Complainant enjoys a major market share in India, and has also been exporting tyres over five decades. Its main export markets are North & South America, South East Asia and Middle East and Africa.

The Complainant asserts rights through its registrations (specifically as cited at 4 above) and extensive usage of the trade mark 'CEAT'.

Respondent's lack of rights or legitimate interest

The Complainant states that the Respondent has no right to and legitimate interest in the domain name **ceat.co.uk**.

The disputed domain name clearly incorporates the trade mark 'CEAT' of the Complainant in its entirety.

The Complainant claims enormous presence on the Internet and ownership of various domain names incorporating the word 'CEAT' below:

No.	Domain Name	TLD	Country	Validity
1	Ceat	.com	India	24 th January 2019
2	Ceat	.in	India	10 th February 2019
3	Ceatltd	.com	India	19 th May 2015
4	Ceattyres	.net	India	13 th September 2015
5	Ceatshoppe	.net	India	13 th September 2015
6	Ceatonline	.net	India	13 th September 2015
7	Ceat	.in	India	10 th February 2019
8	Ceattyres	.in	India	9 th March 2019
9	Ceatonline	.in	India	9 th March 2019
10	Ceatshoppe	.in	India	9 th March 2019
11	Ceatconnect	.in	India	29 th November 2019
12	Ceatcricketrating	.org	India	10 th July 2019
13	Ceat	.org	India	9 th November 2019
14	Ceattyres	.com	India	29 th January 2015
15	Ceattires	.com	India	21 st April 2019
16	Ceatcricketrating	.com	India	21 st November 2019
17	Ceatconnect	.com	India	3 rd February 2017
18	Ceatshoppe	.co	Coloumbia	6 th April 2016
19	Ceatonline	.co	Coloumbia	6 th April 2016
20	Ceat	.org	India	9 th November 2019

The Complainant has no connection with the disputed domain name holder and neither the Complainant nor any entity belonging to the Complainant has licensed or otherwise permitted the Respondent to use its 'CEAT' mark, nor has it permitted the Respondent to apply for or use any domain name incorporating the mark 'CEAT'.

It alleges that the Respondent wrongfully adopted the trade mark **CEAT** of the Complainant with the intention to create an impression of an association with the Complainant, and to take advantage of the name and reputation attached to the word 'CEAT' without having any rights thereto and in spite of having full knowledge of the Complainant's iconic stature in India and Internationally.

The adoption and/or usage of 'CEAT' by others not only would amount to dilution of the Complainant's rights over the distinct mark but also would result in confusion and deception amongst the end customers, which may amount to infringement and passing off and be liable to be prevented in the Courts of Law.

Further, such unauthorized usage also amounts to cybersquatting.

The Complainant cites the following decisions in its favour, copies of which were provided with the Complaint:

Ceat Limited, Ceat Mahal v. Vertical Axis Inc.(WIPO UDRP Case D2011-1981 re. ceat.com)

Ceat Tyres of India v. M/s Jai Industrial Services (I.A.No. 9737/87 in suit No. 2776/87)

The domain name was registered and is being used in bad faith.

The domain name ceat.co.uk is identical with the prior trade mark of the Complainant being 'CEAT', which is distinctive and has acquired reputation and goodwill in favour of the Complainant and is its house mark.

The alleged purpose and intent of the Respondent in adopting the domain name www.ceat.co.uk is to cash-in on the name, fame, reputation and image and goodwill of the Complainant, which has been built up assiduously over the last 56 years. The intent of the Respondent has been to deceive the public at large, by adopting a name which is identical to the Complainant's trademark 'CEAT'. The Respondent has made a deliberate misrepresentation to the public at large and it certainly cannot be a matter of mere coincidence.

It is asserted that the Respondent had a dishonest motive in registering the domain name to clandestinely negotiate for transfer of the same for consideration.

The Complainant says that the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use of the domain name, and the Complainant is apprehensive that the Respondent is searching for an assignee and would sell the disputed domain name to make illegal profit.

It states that it is not possible to conceive any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, and the domain name **ceat.co.uk** is so obviously connected with the invented word CEAT belonging to the Complainant, that the very use by someone with no connection with the Complainant suggests opportunistic bad faith.

The Complainant says it will not be able to effectively pursue its business plans on the internet, stands to lose financially, and faces the imminent risk of dilution of brand value associated with the mark CEAT, unless the registration of the domain name **ceat.co.uk** is held by the Complainant. The legitimate rights of the Complainant to the transfer of the domain name bearing its trade mark **CEAT** is said to have been recognized and settled by the earlier WIPO case decision cited above.

It is pertinent to mention that the Respondent has created web pages using the disputed domain name at **www.ceat.co.uk** and has uploaded content and links on vehicles/cars.

The Complainant concludes that the Respondent's registration and use of the disputed domain name will result in the following:

- i) That the people will believe that the disputed domain name belongs to the Complainant or is authorized by the Complainant;
- ii) that the Complainant will face tremendous loss in terms of money and loss to its goodwill and reputation;
- iii) that the public at large will be cheated by the Respondent.

The Complainant requests that, in the interests of justice, and of the public at large, the disputed domain name ought to be transferred to the Complainant.

Respondent

The Respondent, Technology (UK) Ltd, resists the request for transfer and says that it has not had any previous communication from the Complainant or Nominet UK concerning the disputed domain name, prior to receipt of the Complaint.

The domain ceat.co.uk was registered by the Respondent on 29 August 2002.

Currently the domain ceat.co.uk points to motormouse.co.uk which is a motoring portal advertising new cars for sale on behalf of UK motor dealers, including SEAT car dealers.

The Respondent admits that it also has registered a number of UK domain names which for the right price might be available for sale.

However when the disputed domain was first registered the Respondent claims to have considered that the domain would suit a modern company selling quality chairs and seats to the executive market. It says this is a play on words. One of the directors at Technology (UK) Ltd reportedly suffers from a back condition and this was where the Respondent says the concept arose.

The Respondent asserts that the Complainant has no reasonable claim to this domain without any UK domicile/residency status, and points to the existence of other companies with Ceat in their name on the UK Companies Register.

Similarly the Respondent asserts that even if the Complainant owns a registration for the trade mark CEAT in class 12, this doesn't give the Complainant precedence over other UK based companies.

The Respondent acknowledges that the Complainant does own the domain names CEAT.com and CEAT.in, but notes that the Respondent has owned the disputed domain name ceat.co.uk since 29 August 2002, during which time the Complainant apparently had a UK company registration of the name Ceat Limited (now Closed), and asks why does the Complainant claim ownership when they clearly had a UK company named Ceat Limited (but don't now) and did not pursue the name between 2002 and now?

The Respondent says that the domain name ceat.co.uk doesn't have a great deal of commercial interest for them at present, but may do in the future.

However, the Respondent states that it would welcome a reasonable offer from the Complainant for the transfer of the domain at commercial rates if Nominet agreed this domain was not registered in bad faith but for the sole purpose of commerce for any company dealing with domain names in the UK.

Another option is said to be for the Complainant and Respondent to consider a mutual business opportunity for setting up a UK based distribution platform for the Complainant using the motoring resources and contacts of Technology (UK) Ltd.

The Respondent claims never to have heard of the company Ceat Ltd before, nor any of their products, and that the Complainant's accusations of 'passing off' their brand are "rubbish", asserting that in 30 years in the motor industry the Respondent has NEVER heard of Ceat tyres in the UK and wouldn't even know where to buy their products in the UK.

The Respondent believes that the Complainant has "a new agenda for selling in the UK" and wants this domain name without even asking the Respondent first!

Complainant's Reply

The Complainant reiterates that it has genuine and *bona fide* rights over the trade mark CEAT and hence has approached Nominet, as the appropriate forum to enforce their rights.

It says that it is frivolous on the part of the Respondent to contend that the Complainant should have approached the Respondent directly to haggle for sale of the impugned domain name.

By the Respondent's own admission the domain name is used for a motoring site for sale of cars. The explanation offered by the Respondent for its originally contemplated, alternative use is absurd and imaginary. The Respondent has alleged that they intended to sell executive chairs. However, they do not explain how they then came to use the domain name to advertise cars, which business is closely associated with tyres, tubes and flaps manufactured and sold by the Complainant the world over.

It points out that it is well established law that a Registrant of a domain name/trade mark need not have a subsidiary place of business in a country, in order to be able to conduct business. Therefore, the mere fact that the Complainant does not have a place of business in the United Kingdom does not give the Respondent the right to infringe on the Complainant's trade mark and domain rights. As the Respondent himself has acknowledged, the Complainant is the owner of the domain names www.ceat.com and www.ceat.in, which domains are accessed by customers from all over the world including the United Kingdom.

The Complainant's trade mark CEAT stands registered as of 1960 in the UK and has been renewed systematically. A search undertaken with the records of the UK IPO reveals that the only valid and subsisting registered CEAT marks are in the name of Ceat Limited. The Respondent's repeated claim that the Complainant's right over the mark CEAT cannot be acknowledged in view of its Indian origin has no legal basis.

The Complainant was not aware of the Respondent's domain name registration until a world-wide Domain search was undertaken on 10 September 2014. The impugned domain name is a dishonest adoption subsequent to the Complainant's trade mark registration and ceat.com domain name registration (24 January 2001).

The Respondent has admitted that they have no real interest in the impugned domain name, which goes to show that the intention of the Respondent is to exploit the popularity of the Complainant and thereby divert the Complainant's customers or potential customers to their website and oblige the Complainant to approach the Respondent for purchase of the impugned domain name.

It is for the Respondent to come with a nominal and reasonable offer of sale, and if the Respondent attempts to make any unreasonable financial gain in dishonestly registering the domain, then the Complainant will seek to enforce their legitimate rights to obtain transfer of the domain name in their favour.

The Respondent claims a lack of knowledge of the Complainant, but is advertising cars on its website and so should be well aware of the reputation and international standing of the Complainant's trade mark CEAT for tyres. CEAT is an invaluable asset for the Complainant.

The Respondent's claim that the Complainant has a new agenda and that the Complainant should have first approached them before resorting to the Nominet Complaint is a baseless argument and deserves to be dismissed outright.

The Complainant is willing to settle the matter amicably only if the Respondent's offer to transfer the Domain is within a reasonable cost.

Respondent's request to submit a further statement under Paragraph 13b of the Procedure

The Respondent submitted a Paragraph 13b request in the following terms:

"Our original reply was sent before all the complainant documents had been received and reviewed due to login issues by the respondent. New information contains logical and honest counter arguments against false claims made by the claimant. Specifically the respondents trade in domain names and rationale for registering the disputed domain name. New information casts significant doubt as to the balance of probabilities and claims made by the claimant, specifically the claimants trading history in the UK and Europe using the disputed domain as a trading style using the Trade Mark [ceat] under a single class 12. The respondent wishes the expert

witness to draw comparison to historical cases which bear close comparisons to this case, specific cases *parmaham.co.uk* (DRS359), *ghd.co.uk* (DRS3078) and *bata.co.uk* (DRS14438).”

The Expert declined to admit the further statement. The DRS has clear procedural rules; Nominet provides advice for Respondents on the Nominet website and on the telephone; additional late submissions typically necessitate a further round of comments, and delay what is intended to be a quick, contractual system for resolving disputes. The Respondent may regret responding initially in haste, but parties have to be prepared to accept the consequences of such procedural decisions which they have made.

6. Discussions and Findings

General

Paragraph 2 of the Policy requires that, for the Complainant to succeed, it must prove to the Expert, on the balance of probabilities, both that it has Rights in respect of a name or mark which is identical or similar to the Domain Name; and that the Domain Name, in the hands of the Respondent, is an Abusive Registration as defined in Paragraph 1 of the Policy.

Complainant’s Rights

The Complainant has clearly demonstrated that it has prior registered rights as listed above, in the trade mark CEAT, including in the UK.

It is well established that the domain suffices “.co.uk” are not usually pertinent in a comparison with a name or mark in which a Complainant has rights.

The disputed domain name is *ceat.co.uk* without addition.

Consequently, the Expert finds that the Complainant has Rights in respect of a name or mark, which is similar to the Domain Name, so that the requirements of Paragraph 2a.i. of the Policy are met.

Abusive Registration

The Complainant also has to show that a disputed Domain Name is an Abusive Registration. Paragraph 1 of the Policy defines “Abusive Registration” as a Domain Name which either:

- (i) was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant’s Rights; OR
- (ii) has been used in a manner, which took unfair advantage of or was unfairly detrimental to the Complainant’s Rights.

A non-exhaustive list of factors which may be evidence that a Domain Name is an Abusive Registration is set out in Paragraph 3a of the Policy.

From the Complainant's submissions, the following examples are claimed to be potentially applicable in this case:

- 3a.i. Circumstances indicating that the Respondent has registered or otherwise acquired the Domain Name primarily:
 - A. for the purposes of selling, renting or otherwise transferring the Domain Name to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly associated with acquiring or using the Domain Name;
 - B. as a blocking registration against a name or mark in which the Complainant has rights; or
 - C. for the purpose of unfairly disrupting the business of the Complainant;
- ii. Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant;
- iii. The Complainant can demonstrate that the Respondent is engaged in a pattern of registrations where the Respondent is the registrant of domain names (under .uk or otherwise) which correspond to well known names or trademarks in which the Respondent has no apparent rights, and the Domain Name is part of that pattern;
- ...

Paragraph 4 of the Policy additionally provides observations on "How the Respondent may demonstrate in its response that the Domain Name is not an Abusive Registration", of which the following may be considered pertinent to the present Complaint:

4a.i.C. [The Respondent has] made legitimate non-commercial or fair use of the Domain Name.

The factors listed in Paragraphs 3 and 4 of the Policy are only intended to be exemplary and indicative. They are not definitive either way. It is Paragraph 1 of the Policy, which provides the applicable definition as indicated above.

In accordance with the Policy Paragraph 2b, it is for the Complainant to prove, on the balance of probabilities, that the Domain Name is an Abusive Registration.

As indicated in the Experts' Overview (Version 2, Paragraph 3.3) in a case like this, where the domain name in issue is identical to the name or mark of the Complainant and without any adornment (other than the generic domain suffix), and particularly where the Complainant uniquely has registered rights, in what appears to be an invented word, a finding of Abusive Registration would typically be very likely.

The Expert certainly does not consider the Respondent's protestations of innocence, of lack of knowledge of the Complainant and/or of the CEAT mark, or of plans for another originally intended use of the domain name, to carry an unassailable amount of credibility.

The Complainant has prior registered trade mark rights in CEAT in the UK and elsewhere. The Respondent does not appear to have any clear rights itself, but has evidently used the domain name with a simple redirection to its primary www.motormouse.co.uk website, apparently for many years. And there's the rub...

The difficulty the Expert has with this case relates to the not inconsiderable period of over 12 years from the original registration of the domain name in 2002 to the filing of the Complaint in late 2014, during which the Respondent has been making its own use, albeit perhaps in somewhat desultory fashion, of the domain name, whilst the Complainant has allegedly been making worldwide use of its mark, supposedly unaware of, and unconcerned by, the Respondent's registration and such use of the domain name.

The absence of any evidence of confusion of, or complaint from, actual or potential customers for the Complainant's goods arising as a consequence of the Respondent's actions over all that time does give grounds for doubt as to the merits of the Complainant's assertions regarding the potential for these actions to obstruct the Complainant's business plans or to mislead and divert customers.

As noted, for example, in the emirates.co.uk Appeal Decision DRS 8634:

"The Policy does not expressly deal with the issue of delay on the part of the Complainant in bringing a Complaint under the Policy or whether the common law principles of laches or acquiescence should apply.

The generally held view amongst Nominet experts (and UDRP panellists) is that delay alone is not a ground on which a Complaint may be denied. Recent decisions under both systems have suggested that there may be scope for such a defence (whilst acknowledging the prevailing view)."

The present Expert agrees with this prevailing view, but considers that extended delay, such as in the present case, does require the Complainant to provide an explanation for the delay and to present evidence to show why the delay should not give rise to a presumption of acquiescence.

Although the Complainant has pointed to the initial registration of the domain name ceat.com as of 24 January 2001 (which would have been prior to the Respondent's registration), in fact the Complainant itself did not gain control of the ceat.com domain name until after its successful UDRP Complaint D2011-1981 dated 20 February 2012, which the Complainant has itself submitted in evidence in these proceedings. The Decision in the UDRP proceedings was also not unanimous, but by 2-1 with a dissenting opinion. As noted in that Decision, even the Complainant's ceat.in domain name was not registered until 10 February 2005, and it is difficult to believe that a company with supposedly international

presence did not check for other registrations of “ceat” domain names at that time, but waited nearly another seven years to bring the .com complaint and over nine years to bring the present .co.uk Complaint.

Of course, where a Complainant has current registered trade mark rights at the time the domain was registered and since, that would normally be expected to tilt the balance in the Complainant’s favour.

However, although the Complainant is indeed now the registered proprietor of UK registrations and others which date from well before the registration of the domain name, the Complaint does not disclose the full picture. The Expert has looked more closely at the UK and Community Registration details, prompted by the Complainant’s evidence, which included details of a Canadian Registration that showed previous changes in title, covering the pertinent period, i) from Pirelli Pneumatici S.p.a to Sipir Finance N.V. on 1 April 1999; ii) from Sipir Finance N.V. to Pirelli & C S.p.a, on 5 May 2010; and iii) from Pirelli & C S.p.a. to Ceat Limited on 30 December 2010.

As noted in the Experts’ Overview (Version 2, Section 5.10) “there may be occasions where an Expert will find it expedient to conduct a simple online enquiry of a publicly available database”, and the Expert in this case believes it appropriate to inspect the UK and OHIM registers to check the corresponding chains of title for the UK and CTM registrations cited by the Complainant. The records for UK 808135 show a similar chain, with the latest assignment from Pirelli & C S.p.a. to Ceat Limited dated 11 February 2011; and for CTM 1716232 from Pirelli & C S.p.a. to Ceat Limited recorded 29 April 2011.

So, in fact, the present Complainant did not itself acquire rights under those registrations until long after the registration of the disputed domain name.

The Complainant has expressly stated that it did not know about the disputed domain name itself until September 2014 and that it has no connection with the Respondent and that neither the Complainant nor any entity belonging to the Complainant has licensed or otherwise permitted the Respondent to use its ‘CEAT’ mark, nor has it permitted the Respondent to apply for or use any domain name incorporating the mark ‘CEAT’.

However, the question arises as to what was the situation with the predecessors in title to the most relevant trade mark registrations? Were any of Pirelli Pneumatici S.p.a., Sipir Finance N.V. or Pirelli & C S.p.a. previously aware of the Respondent’s domain name registration and might they have impliedly acquiesced to the Respondent’s registration and use? What due diligence was done and what warranties and representations were obtained at the times of the various assignments in the chain? In the case of the UK, was the right to take action for past infringements expressly assigned, for example?

The Complainant has not provided evidence to enable any conclusion to be drawn on such matters.

The late assignment of these various trade mark rights to the Complainant, also raises other doubts which might make the Respondent's claims to lack of knowledge of the Complainant and its products more credible.

The Complainant has stated that its primary markets are North & South America, South East Asia and Middle East and Africa - significantly, not Europe and not the UK. The evidence submitted by the Complainant by way of invoices and bills of lading also relates only to Africa, the Middle East, Pakistan and Singapore.

There is no evidence demonstrating use of the CEAT mark in the UK in the relevant period, which might justify a presumption that someone in the UK motor trade, like the Respondent, would surely have known of the Complainant's rights and reputation. Indeed, it seems reasonable to question whether the CEAT mark was in use at all in the UK in the relevant period. In the absence of evidence of any actual trade in the CEAT mark in the UK with customers here, there could also be no goodwill to support a claim for passing-off. Inability to demonstrate UK use may also prevent enforcement of UK registered trade mark rights in opposition, for example.

Following the Complaint, the Respondent has volunteered that it might be open to offers to purchase the disputed domain name, but there is absolutely no evidence that it had previously made any effort to seek to sell it to the Complainant or to any of its predecessors before, nor of any threat to sell the domain name to any other party.

In considering this Complaint, when the Expert tried the URL www.ceat.co.uk, he found that the Respondent had by then cutely changed the redirection from www.motormouse.co.uk to the website of the Creative Education Academies Trust (see <http://www.creativeeducationacademies.org.uk>), presumably to demonstrate that there might also be other legitimate users for the domain name www.ceat.co.uk as well.

The Complainant has not provided any evidence of the extent of traffic which might have allegedly been previously redirected to the Respondent's own www.motormouse.co.uk site. There is no evidence of any attempts to trade off the CEAT name or to profit by use of click-through advertising from the www.ceat.co.uk domain name, which might be expected of a typical cybersquatter.

The Respondent has also even volunteered that it has registered a number of other UK domain names "which for the right price might be available for sale", but the Complainant has not been able to provide any evidence as to whether those domains might also incorporate other parties' trade marks, which might have supported a claim that the Respondent was engaged in a pattern of Abusive Registrations pursuant to Paragraph 3a.iii of the Policy – particularly if they related to other motor industry businesses, and which might then have raised sufficient doubt about the credibility of the Respondent's denials of knowledge of the Complainant to tip the balance in the Complainant's favour.

As it stands, therefore, and despite a degree of scepticism regarding the Respondent's assertions, the Expert considers that there is just sufficient doubt that the Respondent actually knew of the Complainant or its rights at the time of

registration, and some reasons to doubt that there could not have been any acquiescence by the Complainant's predecessors, and some grounds to doubt that the Respondent's actual use has ever amounted to anything significant in the way of unfair advantage or detriment to the Complainant's Rights, which doubts the Complainant has not dispelled.

Consequently, and although this is a finely balanced case that could potentially tilt on the weight of a feather, the Expert finds that the Complainant has not provided sufficiently convincing evidence to support its assertions that the domain name is necessarily an Abusive Registration for the purposes of the Policy.

7. Decision

Having found that the Complainant has relevant Rights, but that, on the balance of probability and in the light of the available evidence, the Domain Name, ceat.co.uk, is not an Abusive Registration in the hands of the Respondent, the Expert orders that no action be taken in relation to the Domain Name.

Signed Keith Gymer

Dated 4 February 2015