

DISPUTE RESOLUTION SERVICE**D00016735****Decision of Independent Expert**

Unbiased Ltd

and

Sidstone Financial Services

1. The Parties

Complainant: Unbiased Ltd
12-14 Berry St
London
EC1V 0AU
United Kingdom

Respondent: Sidstone Financial Services
159 Belgrave Road
Stoke on Trent
Staffordshire
ST3 4NL
United Kingdom

2. The Domain Name

<unbiasedfinance.co.uk> ("the Disputed Domain Name")

3. Procedural History

The Complaint was filed with Nominet on 21 December 2015. Nominet validated the Complaint on 22 December 2015 and notified the Respondent by post and by email, stating that the Response had to be received on or before 15 January 2016. The Response was filed on 14 January 2016. On the same day Nominet notified the Complainant that a Reply had to be received on or before 21 January 2016. No Reply was received and the mediator was appointed on 22 January 2016.

The Informal Mediation procedure failed to produce an acceptable solution for the parties and so on 3 February 2016 Nominet informed the Complainant that it had until 17 February 2016 to pay the fee for the decision of an Expert pursuant to paragraph 7 of the

Nominet Dispute Resolution Service Policy ("the Policy"). On 4 February 2016 the Complainant paid Nominet the required fee.

On 8 February 2016 the undersigned, Jane Seager ("the Expert"), confirmed to Nominet that she was independent of each of the parties and that, to the best of her knowledge and belief, there were no facts or circumstances, past or present (or that could arise in the foreseeable future) that needed to be disclosed as they might be of such a nature as to call in to question her independence in the eyes of one or both of the parties.

4. Factual Background

The Complainant has been providing information about financial and legal matters through its website at www.unbiased.co.uk since 1999, and specialises in connecting consumers with financial advisers as well as other professional advisers such as mortgage advisers, lawyers and accountants. Its website receives over one million unique users annually.

The Respondent is a financial advisor based in Stoke on Trent. The Respondent's representative, Mr Shaun Davis, explained that he was previously a sole trader using the name Sidstone Financial Services, which is why this appears as the registrant name on the Whois. However, in 2011 he began trading as Unbiased Finance and incorporated a UK limited company of the same name in 2013.

The Disputed Domain Name was registered on 8 September 2011. The Respondent initially used it to point to its financial services website at www.unbiasedfinance.com (the corresponding .COM domain name was also registered on 8 September 2011). However, in February 2015 the Respondent began to use www.unbiasedfinance.co.uk as its main website instead, and changed the colour scheme and layout.

The Complainant discovered the Respondent's new website in October 2015 and decided to file a Complaint under the Policy. The Complainant and the Respondent had previously corresponded with each other concerning the alleged infringement of another of the Complainant's trade marks by the Respondent. Upon receipt of the Complaint, the Respondent took down the website with the stated aim of rebuilding it to eliminate any confusion. The Disputed Domain Name currently points to a holding page featuring an image of a friendly monster holding a sign saying "unbiasedFinance", below which it says "Our 2016 Relaunch is coming soon".

5. Parties' Contentions

Complaint

Complainant's Rights

The Complainant gives examples of numerous press mentions relating to its website, including in the FT, the Times, the Telegraph and the Mail on Sunday. It also underlines that over 1,000 organisations link to its website including the Money Advice Service, the Pensions Regulator and the Pensions Advisory Service. The Complainant states that it has invested heavily in marketing over the last 15 years and asserts that it is a trusted brand and by far the best known and most successful website of its kind in the UK, with a reputation for quality and reliability. As a result the Complainant says that it has been targeted by others in the financial sector who would like to benefit from its reputation.

The Complainant explains that its domain name, <unbiased.co.uk>, was first registered in 1999 by its predecessor company (IFA Promotion Ltd), which was taken over in a management buy-out in 2010. The corresponding website has been used continuously since 1999. The Complainant states that it also uses "unbiased.co.uk" as its trading name and refers to itself as "unbiased.co.uk". In 2006 the Complainant set up a non-trading subsidiary company called Unbiased.co.uk Ltd, registered in England & Wales under company number 05739548 to help it protect the "unbiased.co.uk" name. The Complainant also states that it has used "unbiased.co.uk" as its email address since 2008.

The Complainant provides evidence that it holds three UK registered trade marks in the term "unbiased.co.uk". The first of these is for a business logo, registered under Trade Mark No UK00002422000 in May 2006. The second is its current logo, featuring four coloured dots and the words "unbiased.co.uk", registered under Trade Mark No UK00003012853 in July 2013. The third is a word mark for the words "unbiased.co.uk" registered under Trade Mark No UK00003017515 in August 2013.

According to the Complainant, little useful information is available on the internet about the Respondent as it is not a registered company. The Complainant asserts that the Respondent is not commonly known by the name "unbiased" and only uses it in the Disputed Domain Name. The Complainant also points out that it has not found any registered trade marks in the Respondent's name using the word "unbiased" and therefore contends that the Respondent has no rights in the Disputed Domain Name.

Abusive Registration

The Complainant states that it has been able to link the Respondent to two other domain names, <unbiasedfinance.com> and <sidstone.co.uk>. Searches on both of these domain names show that they are connected to an individual called Shaun Davis from Stoke on Trent, Staffordshire. According to the Complainant, Mr Davis uses a variety of business names and street addresses, as well as a limited company called Unbiased Finance Ltd, which is registered at one of the street addresses connected with Mr Davis. Unbiased Finance Ltd was incorporated in February 2013.

The Complainant states that it is aware of Mr Davis as it has had cause to contact him four times since 2012 regarding alleged abusive use of one of its other registered trade marks, although it has not previously contacted him about the Disputed Domain Name. According to the Complainant, it is therefore clear that Mr Davis is well aware of its existence and prominence.

The Complainant states that the Respondent was using www.unbiasedfinance.com for its online activity until at least February 2015, and the Disputed Domain Name was just used to redirect to this website. The Complainant did not believe that consumers would be confused as the previous website at www.unbiasedfinance.com was very different to its own website in colour, layout and overall appearance and did not use the .CO.UK suffix. Therefore the Complainant did not believe that the Disputed Domain Name was being used in a way that was disruptive to its business, even though it had been registered since September 2011.

However, at some point after February 2015, two actions were taken that the Complainant saw as a direct attack on its own business and its <unbiased.co.uk> domain name. First, the Complainant states that the redirect between the two websites was

reversed so that <unbiasedfinance.com> began to redirect to www.unbiasedfinance.co.uk. Secondly, in the Complainant's opinion, the general appearance of the Respondent's website was dramatically changed so that it became confusingly similar to the Complainant's own website. The Complainant found this resemblance too strong to be simply coincidental and contends that there was a deliberate intent to mislead or confuse internet users into believing that they had reached its own website.

The Complainant argues that the Disputed Domain Name is confusingly similar to its "unbiased.co.uk" trade mark, taking advantage of confusion when internet users search for "unbiasedfinance.co.uk" instead of "unbiased.co.uk". The Complainant contends that the use of the Disputed Domain Name is a deliberate attempt to divert traffic from its website, being simply the addition of another word ("finance") that a consumer might reasonably expect to see while searching for financial advice, and in particular the services offered by the Complainant. In the Complainant's opinion the situation is remarkably similar to that outlined in a recent Nominet decision, *Arnold Clark Automobiles Ltd and Eric Zhang* (DRS 16642), where the Independent Expert found that the addition of the word "finance" did not make the domain name dissimilar to the trade mark at issue.

As far as the website similarity is concerned, the Complainant states that the top part of the home page of the Respondent's website closely resembles its own, using the same general layout and colour palette. The Complainant's website has been in this format since June 2014, whereas the Respondent's website has only been in its current format since some time after February 2015. The Complainant asserts that there are points of similarity in the placement of the business trading name in the top left hand corner, in the lower case font and the colour used for the word "unbiased", in the size, placement and colour palette of the image, in the placement of the navigation menu in the upper right hand corner, and in the placement and size of the media references below the image.

The Complainant states that further down the home page of both websites there is a section showing icons for users to click on. In the Complainant's opinion the grid layout and appearance of these icons is very similar on both websites. However, according to the Complainant, one significant point of difference is that, while the icons on the Complainant's website take the website user to informative content, those on the Respondent's website are all merely links to the same data collection form. In addition, the Complainant highlights the fact that one of the icons on the Respondent's website is labelled "Value of Advice", which is a campaign that the Complainant has been running since 2012.

Between 2006 and 2008, the Complainant ran an advertising campaign on its website and on posters (distributed to financial advisers registered with it) using monster imagery. The Complainant states that financial advisers saw this as one of its most successful campaigns, and it continued to receive requests for posters several years after the campaign had finished. The Complainant highlights the use of monster imagery on the Respondent's website and states that, whilst there is not a close similarity between its monsters and those of the Respondent, it believes that the use of monsters in this context is at the very least inspired by its earlier campaign.

The Complainant also explains that the home page of the Respondent's website shows some statistics taken from one of its campaigns in 2014, "Mind the Advice Gap", which have been taken from the Complainant's newsletter. While the statistics are credited to

"unbiased.co.uk", the Complainant states that their reproduction and use is in breach of the Complainant's Terms of Use and also breach of copyright, and it is now considering further legal action. Moreover, the Complainant asserts that the fact that "unbiased.co.uk" is referred to in this context makes it more likely that the Respondent's website will appear in search engine listings and is also likely to improve the search engine ranking of the Respondent's website.

In the Complainant's opinion, the references to "unbiased.co.uk" on the Respondent's home page and the use of phrases associated with its business and brand such as "Mind the Advice Gap" and "Value of Advice" are likely to make internet users feel confident that they have reached the Complainant's website and not that of an imitator. According to the Complainant, there is little content on the Respondent's website, other than a number of self-promoting videos and press mentions, and some one line definitions of financial advice areas. The Complainant asserts that these definitions seem to fulfil little real purpose other than to use words and phrases which might be found by search engines.

In the Complainant's opinion, this strongly suggests that the Respondent is using the website in order to take unfair advantage of the Complainant's own rights, and to cause detriment to the Complainant by diverting traffic intended for its own website. The Complainant also argues that if users mistakenly visit the Respondent's website believing it to be that of the Complainant, but instead find it to be a poorly set-up website with little useful content, this could result in reputational damage to its business.

The Complainant states that there is ample evidence of the Respondent also copying from the websites of other organisations and businesses, and evidences some examples, such as reproduction of the privacy policy from the Money Advice Service and the complaints policy from The Financial Helpline Ltd.

The Complainant contends that the Respondent's website generates an income by collecting consumer details to sell onto financial advisers. While this is a legitimate business in itself, the Complainant states that the Respondent's website is only partly built, although at first glance it looks like a fully functioning website: many of the headings which appear to be links are not in fact connected to anything, and most of the links which are connected steer users to a data collection form. In the Complainant's opinion, there is little content on the Respondent's website designed to educate or inform consumers, and what little content there is appears to either promote Mr Davis himself, or make use of financial services words and phrases specifically to improve the search engine ranking of the Respondent's website.

In conclusion, the Complainant states that it can see no circumstances which would show that the Disputed Domain Name is anything other than an abusive registration and requests that it be transferred.

Response

The Respondent argues that it offers a completely different service to the Complainant. Whilst the Complainant's website assists users to find professional advisers, the Respondent offers financial advice.

The Respondent points out that, whilst the Complainant may hold trade marks in "unbiased.co.uk", it does not have rights in the term "unbiased" and states that this is

because "unbiased" is not a brand but an adjective that means "having no bias or prejudice; fair or impartial." The Respondent states that he offers unbiased financial advice, and another name such as "no bias finance" or "fair finance" would not have the same appeal or describe what the Respondent offers.

The Respondent underlines that the Complainant states that "More than 1,000 organisations link to the unbiased.co.uk website", and that this is also something that the Respondent did. However, in view of the Complainant's assertions, the Respondent states that the link has now been removed and indeed the entire website has been taken down so that it may be rebuilt "from the ground up so that all of the issues raised in this complaint are actioned with immediate effect."

The Respondent states that Sidstone Financial Services was its original trading name. However people always struggled to pronounce it and search engines used to try to direct users to SandStone instead. As a result the decision was taken to trade under the name Unbiased Finance, reflecting the Respondent's activities. The Respondent states that Sidstone Financial Services was never a limited company, but Unbiased Finance Ltd was incorporated on 14 February 2013 under company number 08402010, although Unbiased Finance was used as a trading name from 2011 onwards.

The Respondent also states that Unbiased Finance has appeared on the register of the Financial Conduct Authority (FCA) since 15 August 2013, although the register also shows trading under the name Unbiased Finance since 8 November 2011. The Respondent says that the reason for this change was that Unbiased Finance became a limited company and therefore took its own entry on the register.

The Respondent underlines that the Complainant states "The Respondent is not commonly known by the name 'unbiased' other than their use of it in the disputed domain name" and argues that this is not the case given the incorporation of Unbiased Finance Ltd. Furthermore, the Respondent points out that the Complainant must be aware of this company, given that they have recently instructed legal action against it.

With reference to the Nominet decision, *Arnold Clark Automobiles Ltd and Eric Zhang* (DRS 16642), as raised by the Complainant, the Respondent argues that this can be differentiated from the present case as Arnold Clark is a brand and thus the addition of the word "finance" does not make the domain name at issue dissimilar. However, in the Respondent's opinion, "unbiased" is an adjective and not a brand and it would be unfair to claim the right to "unbiased'everything'.co.uk" simply because this adjective was first registered by somebody else.

The Respondent points out that the Complainant mentions multiple addresses, trading names etc at length and so clarifies that it began as a sole trader (working from home at the address given on the Whois), then moved into a small office at 131 Church Street, Stoke on Trent, and for the last 12 months has been trading from Glebe House, Boothem Old Road, Stoke on Trent. The Respondent states that the Complainant is aware of this given the recent correspondence between them on other legal matters.

The Respondent also states that there is a history between the parties and so would like to take this opportunity to clear the situation. In this regard, the Respondent points out that the Complainant holds a trade mark in the term "Independent Financial Adviser" and asked the Respondent to remove its logo due to the similarity with this trade mark. The Respondent complied with this request and made every effort to ensure that this logo

was removed from all correspondence, websites, social media and any other place where it may have been used. The Respondent states that it has always taken action when notified of subsequent breaches, which are typically from defunct accounts or website directory sites that have never been actively used. In the Respondent's opinion this demonstrates that it has always taken action to rectify previous mistakes and would never actively try to pass itself off as the Complainant.

The Respondent asserts that if it was actively trying to deceive consumers into thinking that it was the Complainant to capture leads then the Complainant's actions would be understandable. However it has been trading as Unbiased Finance for years and the Complainant has admitted that it has known about this since 2012.

The Respondent highlights the Complainant's assertion that "the general appearance of the Respondent's website was dramatically changed and now looks confusingly similar to our own website" and asserts that its new website design was actually inspired by www.optimizely.com, one of the world's leading website optimisation platforms. The Respondent argues that "if anyone knows how to create a website that is best optimised to generate the maximum amount of conversions then it is them" and emphasizes the similarity between the Respondent's website and the www.optimizely.com website with regard to layout and colours.

The Respondent states that "the last thing we want is people visiting our website and confusing us with unbiased.co.uk" and so confirms that its website has now been taken down and will be "rebuilt from the ground up so that it is much clearer who we are and what we do aka offer Unbiased Financial Advice". The Respondent adds that it was not even aware that the website was visible to the general public as it was under construction and was supposed to be locked from access, so the fact that the incomplete site was even visible was cause for major disappointment.

The Respondent asserts that it is open to feedback from the Complainant before its new website is launched and does not want to become involved in unnecessary and unproductive disputes. If the Complainant is unhappy about anything then the Respondent states that it will take any reasonable action requested as it would like to concentrate on running Unbiased Finance Ltd and building its brand and has no interest in passing itself off as the Complainant.

The Respondent asserts that it didn't know about the Complainant's monster campaign and believes that "this is an absolute stretch and only used to add further content to the claim". In the Respondent's opinion, there is no similarity and the website content was not inspired by the Complainant.

The Respondent highlights the Complainant's assertion that "there is little content on the Respondent's website, other than a number of self-promoting videos and press mentions" and argues that this further highlights the fact that the Respondent was clearly promoting itself and its achievements and not trying to pass itself off as the Complainant. In the Respondent's opinion, the Complainant's conclusion that the Respondent is using the website to take unfair advantage of the Complainant's rights is contradicted by this assertion, as the Respondent cannot be promoting itself but also using its website in such a way as to take unfair advantage of the Complainant's rights.

In conclusion, the Respondent argues that it has been trading for years, the Complainant has known of its existence since 2012, and the Respondent has taken all possible action to date to ensure that this matter is resolved amicably.

6. Discussion and Findings

General

Under paragraph 2(a) of the Policy, for the Expert to order a transfer of the Disputed Domain Name, the Complainant is required to demonstrate, on the balance of probabilities, both of the following elements:

- "(i) *The Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name; and*
- (ii) *The Domain Name, in the hands of the Respondent, is an Abusive Registration."*

Complainant's Rights

The Complainant holds three UK registered trade marks in the term UNBIASED.CO.UK, in particular trade mark number 00003017515 (a word mark which contains no design element, only the term UNBIASED.CO.UK).

The Expert therefore finds that the Complainant has Rights in the term UNBIASED.CO.UK under the Policy (which defines Rights as "*rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning*").

Furthermore, the Policy stipulates that the name or mark in which the Complainant has Rights (UNBIASED.CO.UK) must be identical or similar to the Disputed Domain Name (<unbiasedfinance.co.uk>).

The only difference between the Complainant's trade mark and the Disputed Domain Name is the word "finance". It is well established under the Policy that the addition of a descriptive term does not serve to distinguish a domain name from a trade mark, especially when, as in this case, the additional word precisely describes the Complainant's field of business.

Therefore the Expert finds that paragraph 2(a)(i) of the Policy is satisfied and that the Complainant has Rights in respect of a name which is similar to the Disputed Domain Name.

Abusive Registration

Moving on to paragraph 2(a)(ii) of the Policy, "Abusive Registration" is defined in paragraph 1 of the Policy to mean a domain name which:

- "(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 has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights."*

Paragraph 3(a) of the Policy sets out a non-exhaustive list of factors that may be evidence of abuse, and the Expert finds that 3(a)(ii) relating to use is of most relevance, as follows:

"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."

The Respondent stopped pointing the Disputed Domain Name upon receipt of the Complaint, but the Expert has considered the evidence supplied by the Complainant regarding the Respondent's previous use of the Disputed Domain Name, and in particular the content of the Respondent's most recent website. The Expert shares the Complainant's view that the similarities between the Respondent's most recent website and the Complainant's website were too obvious to be merely coincidental, despite the Respondent's assertions, and is of the opinion that the Respondent was hoping to take advantage of any confusion created for its own benefit.

In this regard, the Expert is satisfied that the Complainant has built up a substantial reputation in the UK in the area of personal finance using the trade mark UNBIASED.CO.UK (and thus this term has become a distinctive identifier associated with the Complainant and its services and has acquired the necessary secondary meaning, even though the main word element, "unbiased", is also an ordinary English word). Given the degree of similarity between the Complainant's trade mark and the Disputed Domain Name (which is compounded by the fact that the additional word "finance" directly relates to the parties' field of business) and the Respondent's most recent use, in the Expert's opinion it is highly likely that certain internet users will in fact be confused into thinking that the Disputed Domain Name is connected with the Complainant and do business with the Respondent in error as a result. Thus the Respondent will have taken unfair advantage of the Complainant's Rights. It is worth noting that the Policy does not require evidence of actual confusion, only that use of the Domain Name is *likely* to confuse people. Having reviewed both websites, the Expert has no hesitation in finding that this is the case, in particular given the similar layout and wording.

Unfortunately the Respondent's assertions that the next version of the website will not be confusing and that the Complainant's reasonable requests for any modifications will be actioned are not of assistance. This is for two main reasons. First, as a matter of principle respondents cannot simply correct previous abusive behaviour when notified that a complaint under the Policy has been filed against them. This would not provide any certainty or fairness for complainants, who would be obliged to monitor future use of the domain name at issue and decide at what point to file another complaint. In this case, the Complainant cannot be expected to survey the Respondent's use of the Domain Name indefinitely going forward to make sure that it does not cross the line again, effectively having to tolerate the threat that the confusion may return.

Secondly, in the Expert's opinion the fact that internet users may no longer be confused upon accessing the Respondent's website does not really matter. If users access the Respondent's website as a result of their initial confusion over the Disputed Domain Name and then realise that the Complainant is not in fact behind the website, they may well decide to continue to do business with the Respondent anyway, in which case the

damage to the Complainant's business will have been done and the Respondent will have been unfairly enriched.

The Expert therefore finds that paragraph 3(a)(ii) of the Policy has been made out and thus that limb (ii) of the definition of Abusive Registration is satisfied, namely that the Domain Name has been used in a manner which took unfair advantage of or was unfairly detrimental to the Complainant's Rights.

For the sake of completeness, consideration has also been given to limb (i) of the definition of Abusive Registration, namely whether the Disputed Domain Name took unfair advantage of or was unfairly detrimental to the Complainant's Rights at the time when it was registered. Given the Complainant's evidence that it has continually used its <unbiased.co.uk> domain name since 1999 and the fact that the Respondent has operated in the financial services field since at least 2008 when the domain name <sidstone.co.uk> was registered, the Expert finds that the Respondent would more than likely have been aware of the Complainant's reputation when the Domain Name was registered in 2011, although whether such registration was abusive or not is difficult to say with complete certainty.

The Respondent asserts that the decision to begin trading under the name Unbiased Finance in 2011 (as opposed to Sidstone Financial Services) and the subsequent incorporation of a limited company of the same name in 2013 was taken because it reflected the nature of the Respondent's activities, given that the words "unbiased finance" are ordinary English words. There may well be an element of truth in this, as the evidence supplied by the Complainant only attests to its current reputation, and not its level of fame in 2011 (before two of its three relevant trade marks were registered), and the press mentions on the Complainant's website are only listed from October 2011 onwards. Thus it is not possible to categorically assess how much of the Respondent's decision to rebrand was based on the attractiveness of the words "unbiased finance", given their appropriate descriptive meaning to describe the Respondent's services, and how much was based on the potential for such words to generate confusion with the Complainant's services for the benefit of the Respondent. However, given the Expert's finding that limb (ii) of the definition of Abusive Registration is satisfied in relation to abusive use, it is not necessary for the Expert to make a conclusive finding in relation to limb (i) and abusive registration.

If the Respondent had continued to use the Disputed Domain Name to point to a website that was quite different in colour and layout to the Complainant's website, then the Complainant may have had more difficulty in making out its case. However, the Expert finds that the change of use in 2015 fatally damaged any chance that the Respondent may have had of successfully arguing that its actions were not abusive.

Finally, paragraph 4(a) of the Policy sets out a non-exhaustive list of factors which may be evidence of non-abuse. On the face of it, paragraphs 4(a)(i)(A) and (B) and 4(a)(ii) could appear to be potentially relevant to the Respondent, and they read as follows:

"(i) Before being aware of the Complainant's cause for complaint (not necessarily the 'complaint' under the DRS), the Respondent has:

A. used or made demonstrable preparations to use the Domain Name or a domain name which is similar to the Domain Name in connection with a genuine offering of goods or services;

B. been commonly known by the name or legitimately connected with a mark which is identical or similar to the Domain Name; [.....] or

(ii) The Domain Name is generic or descriptive and the Respondent is making fair use of it."

As far as paragraph 4(a)(i)(A) is concerned, in the Expert's view an offering of goods and services cannot be said to be genuine if it takes unfair advantage of another company's reputation. Turning to paragraph (B), even though the Respondent's subsequent trading and company name can be said to be identical to the Disputed Domain Name, the Respondent cannot be said to be "commonly known" by such a name, as this would require a far greater degree of fame than the Respondent can be said to possess, based on the evidence supplied. Furthermore, use of a trading or company name does not automatically legitimise the registration of a corresponding domain name, and in any case the mere registration of a company name does not mean that such a name is necessarily legitimate.

As for paragraph 4(a)(ii), the words "unbiased finance" are undoubtedly descriptive but, as explained above, the Respondent's use of the Disputed Domain Name at the time that the Complaint was filed could certainly not be described as fair in view of the Complainant's Rights.

As a result, none of the factors at paragraph 4(a) of the Policy offer any assistance to the Respondent.

In conclusion, the Expert has considered the admissibility, relevance, materiality and weight of the evidence as a whole and is satisfied that the Complainant has succeeded in proving, on the balance of probabilities, that the Disputed Domain Name is an Abusive Registration in accordance with paragraph 2(a)(ii) of the Policy.

7. Decision

The Expert finds that the Complainant has Rights in a name which is similar to the Disputed Domain Name, and that the Disputed Domain Name, in the hands of the Respondent, is an Abusive Registration. The Disputed Domain Name should therefore be transferred to the Complainant.

Jane Seager
7 March 2016