

DISPUTE RESOLUTION SERVICE

DRS 17244

Decision of Independent Expert (Summary Decision)

Michael Page Recruitment Group Limited

Complainant

and

Leonni Bristol

Respondent

1 **The Parties**

Complainant:	Michael Page Recruitment Group Limited
Address:	Page House 1 Dashwood Lang Road The Bourne Business Park Addlestone Surrey
Postcode:	KT15 2QW
Country:	United Kingdom

Respondent:	Leonni Bristol
Address:	71 Brouncker Road Chigwell Essex
Postcode:	W3 8AF
Country:	United Kingdom

2 **Domain Name**

pagepersonnelgroup.co.uk (the "Domain Name")

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 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)

7.1 This Complaint is a mess.

7.2 In the first place, the Respondent, Leoni Bristol, is not, according to the Whois data, the registrant of the Domain Name. The registrant is Liana Sanneh.

7.3 Secondly, this fact appears to have escaped the Complainant's attention, with the result that a number of its submissions are nonsensical. For example, it submits that: "*this Complaint is, therefore, made against the Respondent as the current registrant of the Domain Name, although the majority of the correspondence in this matter has been with Ms Bristol*".

7.4 Thirdly, the exhibit sheets refer to the domain name "*www.pagepersonnelgroup.com*", while the content of the exhibits appears to relate to both the .co.uk and the .com domain names.

7.5 However, even leaving aside these defects, there are more fundamental problems with the Complaint and the way it has been framed. To succeed under the Policy, the Complainant must prove on the balance of probabilities, first, that it has Rights (as defined in the Policy) in respect of a name or mark (which, plainly, therefore needs to be identified) that is identical or similar to the Domain Name (paragraph 2(a)(i) of the Policy), and secondly, that the Domain Name is an Abusive Registration in the hands of the Respondent (paragraph 2(a)(ii) of the Policy).

7.6 Mere assertion, without more, does not constitute proof.

- 7.7 As regards the first limb of its case, no name or mark is identified which is said to be identical or similar to the Domain Name. The Complainant states, and evidences, that it is registered proprietor of four word marks PAGE PERSONNEL (twice), PAGEGROUP and PAGE GROUP. Self-evidently, none of those registered marks is identical to the Domain Name *pagepersonnelgroup.co.uk* (even ignoring the *.co.uk* suffix). No case is made as to whether one or more of those registered marks is similar to the Domain Name and if so why. The Complainant simply asserts, without more, that "*accordingly*" it has the requisite Rights.
- 7.8 Similarly, no case is made on common law rights, save for a bare assertion, wholly unsupported by any facts or argument, let alone any evidence, that it is "*an established and well-known recruitment agency*".
- 7.9 It may well be that there is a good case to be made for the Complainant on Rights. But no such case has been made, despite the fact that it appears to have had the benefit of legal advice and representation.
- 7.10 Accordingly, the Complainant has failed to prove that it has Rights in respect of a name or mark which is identical or similar to the Domain Name. For that reason alone, the Complaint fails and there is no need to consider whether the Complainant has succeeded in discharging its burden of proof in relation to Abusive Registration.
- 7.11 But, in any event, the Complainant's case on Abusive Registration is similarly flawed. The bulk of its case is an account of correspondence between the Complainant and the Respondent and Ms Sanneh, and the Complainant's attempts to have the Domain Name transferred to it. But the relevance of those exchanges to Abusive Registration is not explained.
- 7.12 The Complainant states that it "*considers that the Respondent has acquired the Domain Name from Ms Bristol in bad faith and primarily as blocking registration ... or for the purpose of unfairly disrupting the business of the Complainant*". Even leaving aside the fact that the Respondent is Ms Bristol, no explanation is provided, let alone any evidence in support, for the Complainant's belief in this regard.
- 7.13 Again, there may well be a case to be made on Abusive Registration, but it has not been made.
- 7.14 For these reasons, the Complaint fails.

8 Decision

For the reasons set out above, I refuse the Complainant's application for a summary decision. The Domain Name registration will therefore remain with the Respondent.

Signed: David Engel

Dated: 13 May 2016