

## **DISPUTE RESOLUTION SERVICE**

**D00017282**

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

**Care & Support West**

and

**Mr Dave Simpson**

### **1. The Parties:**

Complainant: Care & Support West  
The Old Police House  
Town Barton  
Norton St Philip  
Bath  
BA2 7LN  
United Kingdom

Respondent: Mr Dave Simpson  
50 Caithness Rd  
Mitcham  
Surrey  
CR4 2EU  
United Kingdom

### **2. The Domain Name:**

careandsupportwest.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 careandsupportwest.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)

Despite the extensive guidance provided by Nominet on the DRS website, and a Chairman's Warning Letter issued to the Complainant warning of the brevity of the complaint or the lack of supporting evidence, the complaint does not provide evidence to properly address Rights or Abusive Registration and does not properly evidence the relation between the Complainant and Respondent, how that relationship came into being and how the Domain Name came to be registered to the Respondent.

I am prepared to accept that the Complainant has Rights in a name that is identical to the Domain Name since it is a low threshold test but there is no evidence of such Rights preceding the registration of the Domain Name. Given the insufficient evidence presented, I do not believe that it is right to conclude on the papers before me that the Domain Name is an Abusive Registration within the meaning of paragraph 1 of the DRS policy.

### 8. Decision

I refuse the Complainant's application for a summary decision. The Domain Name registration will therefore remain with the Respondent.

Signed: Steve Ormand

Dated: 15<sup>th</sup> May 2016