

# **DISPUTE RESOLUTION SERVICE**

**DRS 18642**

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

**STS Flooring Distributors Limited**

and

**Zappt Limited**

**1. The Parties:**

Complainant: STS Flooring Distributors Limited  
Units 5 & 6  
Orpington Trade Centre  
Murray Road  
Orpington  
Kent  
BR5 3SS  
United Kingdom

Respondent: Zappt Limited  
Queen Square  
Harrogate  
HG1 4RU  
United Kingdom

**2. The Disputed Domain Name:**

<simplycladding.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 section 3 and 6 of the Policy.

☒ 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 <simplycladding.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**

The Expert is not convinced, on balance, that the Disputed Domain Name is an Abusive Registration. There is no evidence that the Respondent had awareness of the Complainant's Rights at the time of registration. Furthermore, given the nature of the website associated with the Disputed Domain Name, the Expert is not persuaded that the Disputed Domain Name has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights. The Expert is also of the view that this dispute does not fall squarely within the scope of the DRS Policy, which is intended for clear cut cases of Abusive Registration, and not for more complex legal issues such as trade mark infringement and/or unfair competition.

#### **8. Decision**

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

Signed: David Taylor

Dated: 12 May 2017