

DISPUTE RESOLUTION SERVICE

D00019076

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

University of Surrey

and

James Hammond

1. The Parties:

Complainant: University of Surrey
University of Surrey
Stag Hill campus
Guildford
Surrey
GU2 7XH
United Kingdom

Respondent: James Hammond
1 Struan Gardens
Woking
Surrey
GU21 4DJ
United Kingdom

2. The Domain Name:

surreyess.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 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)

The object of the DRS is to deal with objections to registrations of domain names, which are identical or similar to a name or mark, in which a Complainant has relevant Rights. The Complainant in this case has only evidenced Rights in a "University of Surrey" trade mark. The disputed Domain Name is "surreyess.co.uk". In the Expert's view, that both may refer to the County of Surrey is not sufficient to render the Domain Name similar to "University of Surrey" under the Policy. The alleged illegitimate nature of the content of the website at www.surreyess.co.uk may be considered as evidence of abusive use of the Domain Name, but, in the absence of relevant Rights, the Complaint must fail.

8. Decision

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

Signed:

Keith GYMER

Dated: 16 August, 2017