

DISPUTE RESOLUTION SERVICE

D00020334

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

Abbey Print & Design Ltd

and

Mr Mike Smith

1. The Parties:

Complainant: Abbey Print & Design Ltd
Abbey Print & Design Ltd
Unit 8 Mayfield Industrial Estate
Dalkeith
Midlothian
EH22 4AD
United Kingdom

Respondent: Mr Mike Smith
C/O - 69 Caroline Terrace
Edinburgh
EH12 8QX
United Kingdom

2. The Domain Name:

abbeyprintanddesign.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 **abbeyprintanddesign.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)

The information provided in this Complaint was minimal. Clarification was requested from the Complainant of the nature of its original relationship with the Respondent. The Complainant indicated that the Respondent originally advised them on setting up their website. The Respondent also provided a brief late response alleging that the Domain Name was a legitimate purchase for a print and design business he claims he intended to set up. On further consideration of these submissions, the Expert is prepared to accept that the Complainant will at least have established common law rights in its name, that the Domain Name is identical, and the Complainant has relevant Rights. As the evidence shows that the identical .com and .co.uk domain names were registered on the same day, the Expert does not find the Respondent's assertions credible and, on balance, considers that the Domain Name is likely to have been registered speculatively by the Respondent and/or offered for sale in bad faith (the present web page accessed via the Domain Name says it is for sale), there being no likely legitimate alternative user for it. It is therefore an Abusive Registration under the Policy.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with section 12 of the Policy, the Domain Name will therefore be transferred to the Complainant.

Signed:

Keith GYMER

Dated: 6 August, 2018