

DISPUTE RESOLUTION SERVICE

D00020465

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

HEL REED & COMPANY LIMITED

and

Mr Steven Cowe

1. The Parties:

Complainant: HEL REED & COMPANY LIMITED
HEL REED & COMPANY LIMITED
Floor C Milburn House, Dean Street
Newcastle Upon Tyne
NE1 1LE
United Kingdom

Respondent: Mr Steven Cowe
43 Redwood
Roseberry Park
Seaham
County Durham
SR7 7RS
United Kingdom

2. The Domain Name:

hel-reed.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 hel-reed.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)

I have to confess to being somewhat mystified by this application: there is little narrative provided in the application and little in the way of evidence to support it either.

Firstly, there is no substantial evidence to support the Rights the Complainant is claiming: this would mean some evidence showing either a registered trade mark at least similar to the Domain Name or some sort of goodwill attaching to a name or mark at least similar to the Domain Name as a result of trading under that name or mark. The Complainant asserts that it has been trading using the Domain Name for the purposes of a website and emails, but this is a bare assertion unsupported by substantial evidence and says nothing about how the Complainant's name or mark has been marketed.

Secondly, I am unclear as to what the Abusive Registration consists of. As far as I can tell from the limited evidence provided, the Complainant is a registered company which was incorporated on 3 April 2009. There were

initially two directors, Darren Addison and Scott Jennings, but the latter resigned on 30 April 2011. All this appears from the Companies House documents submitted by the Complainant. However, the application asserts that the registrant was Mr Jennings, and the Complainant further asserts that the inability to contact him (Mr Jennings) means that the Complainant's website and email cannot use the Domain Name with the implication that Mr Jennings has done something to prevent use of the Domain Name. However, the Respondent is Steven Cowe – and the details provided to me show that it was he who registered the Domain Name, not Mr Jennings. Mr Cowe has a different address from Mr Jennings. I have no idea what relationship Mr Cowe has to Mr Jennings. There is no evidence at all that Mr Cowe has done anything which would amount to an Abusive Registration within the meaning of the DRS Policy. For that matter, there is no evidence that Mr Jennings has done anything amounting to Abusive Registration either.

For these reasons, I am unable to let this application succeed.

8. Decision

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

Signed: Richard Stephens

Dated: 7 September 2018