

DISPUTE RESOLUTION SERVICE

D00021370

Decision of Independent Expert

(Summary Decision)

Picket Post Consulting Limited

and

Picket Post Business Services

1. The Parties

Complainant: Picket Post Consulting Limited
18 Picket Post Close
Martins Heron
Bracknell
Berkshire
RG12 9FG
United Kingdom

Respondent: Picket Post Business Services
Crowley
36 Station Road
Middlesex
UB8 3AB
United Kingdom

2. The Domain Name

picketpost.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 sections 3 and 6 of the Nominet's DRS Policy (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, *picketpost.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)

In summary:

This Complaint has been refused because the Expert considers that the Complainant has provided little argument and supporting evidence for its submissions, and what was provided did not persuade the Expert that the registration of the Domain Name was abusive as per the Policy.

To succeed in the Complaint, the Complainant has to prove that, pursuant to paragraph 2 of the Policy, on the balance of probabilities:

i. [it] has Rights in respect of a name or mark which is identical or similar to the Domain Name; and

ii. The Domain Name, in the hands of the Respondent, is an Abusive Registration.

Addressing each of these limbs in turn:

The Complainant submitted that it has Rights in a name which is identical to the Domain Name as it is a *“company registered in the UK with the name of Picket Post Consulting Limited”*, and the Domain Name would be the *“natural domain for the business, PICKET POST is also our trading name”*.

However, the Expert notes, and agrees with, paragraph 1.7 of the Nominet Experts’ Overview (version 3) which states that the *“mere registration of a company name at the Companies Registry does not of itself give rise to any rights for this purpose.”*

Further, the Expert considers that the Complainant provided little evidence to support an argument that the Complainant has unregistered rights based on goodwill and reputation in the words *“PICKET POST”*.

Even if the Complainant had shown it had Rights in the Domain Name, it has not provided compelling evidence that the Domain Name is an Abusive Registration.

The Complainant’s only submission in support was that the Domain Name is an Abusive Registration because the *“domain is currently pointing to a defunct website of a sole trader who has ceased to operate”*, and that various email links/telephone numbers on the linked website do not work.

However, the Complainant did not provide any explanation and supporting evidence as to why this was an Abusive Registration, for example, by considering and applying the factors set out at clause 5 of the Policy.

Therefore, the Expert does not consider this submission is sufficient to meet the requirements set out in paragraphs 2 i and ii of the Policy.

8. Decision

Therefore, for the reasons summarised above, I refuse the Complainant’s application for a summary decision.

The Domain Name registration will therefore remain with the Respondent.

Signed: **Dr Russell Richardson**

Dated: **28 June 2019**