DISPUTE RESOLUTION SERVICE

D00021820

Decision of Independent Expert
(Summary Decision)

CELLNEX TELECOM, S.A.

and

Gabor Szabo

1. The Parties:

Complainant: CELLNEX TELECOM, S.A.
CELLNEX TELECOM, S.A.
Calle Juan Esplandiú, 11-13
Madrid
28007
Spain

Respondent: Gabor Szabo
44
Bristol
Unknown
BS8 2XN
United Kingdom

2. The Domain Name:

cellnex.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 **cellnex.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)

Nominet WhoIs shows cellnex.co.uk was first registered 2 December 2009. Complainant only adopted Cellnex name as of 1 April 2015. (see https://www.cellnextelecom.com/en/who-we-are/)
TM Registrations only for services in Classes 37, 38 & 42 (i.e. would not exclude legitimate uses in other fields – e.g. biotech products). Earliest 2014 EUTM application made in name of Abertis Telecom – transfer to Cellnex Telecom not recorded until September 2016.
No evidence provided to show cellnex.co.uk has ever been used by Respondent for any purpose. No evidence of any bad faith actions. Appears to be simply earlier unused registration made with no knowledge or contemplation of later existence of Complainant. Respondent evidently uncontactable - likely to have moved and not updated WhoIs address, but may be contactable via register.com?

8. Decision

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

Signed: **Dated: 16 October, 2019**

Keith GYMER