

## DISPUTE RESOLUTION SERVICE

DRS 06671

### Decision of Independent Expert (Summary Decision)

Schering- Plough Corporation: Schering Corporation; Schering Plough Ltd and their affiliates and subsidiaries

And

B.D Healthcare Ltd.

#### 1. The Parties:

Complainant: Schering- Plough Corporation: Schering Corporation;  
Schering Plough Ltd and their affiliates and subsidiaries  
Address: 2000 Galloping Hill Road  
Kenilworth  
New Jersey  
Postcode NJ 07033-0530  
Country: USA

Respondent: BD Healthcare Limited  
Address: 12 Diana Road  
Bircheshead  
Stoke on Trent  
England  
Postcode: ST1 6RS  
Country: Great Britain

#### 2. The Domain Name:

neoclarityn.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 paragraphs 2 and 4 of the Procedure.

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 neoclarityn.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 reaching this Summary Decision I have taken into account the Respondent's email of 28<sup>th</sup> January 2008 and its subsequent "response" documents dated 6<sup>th</sup> and 9<sup>th</sup> February 2009. I have also taken into account the subsequent "reply" to these documents filed on behalf of the Complainant.

### 8. Decision

The Expert finds, on the balance of probabilities, that the Complainant has Rights in the name or mark which is identical to the Domain Name.

The Expert finds, on the balance of probabilities, that the Domain Name is an Abusive Registration in the hands of the Respondent.

The Expert therefore directs that the Domain Name be transferred to the complainant.

Signed: Nick Phillips

Dated: 3 March 2009