

DISPUTE RESOLUTION SERVICE

D00012357

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

Keith Willis Associates Limited

and

VistaPrint Technologies Ltd

1. The Parties:

Lead Complainant: Keith Willis Associates Limited
1st Floor
Gothic House
Barker Gate
Nottingham
Nottinghamshire
NG1 1JU
United Kingdom

Respondent: VistaPrint Technologies Ltd
Canon's Court % % 22 Victoria Street
Hamilton
HM12
Bermuda

2. The Domain Name(s):

<keithwillisassociates.co.uk> (the "Domain Name")

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 <keithwillisassociates.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)

There is little description in the Complaint of the nature of the Complainant's rights, but given its claimed 15 year trading history, the expert is prepared to accept that the Complainant has "unregistered trade mark rights" in the term "Keith Willis Associates" and that these rights are similar to the Domain Name.

However, so far as abuse is concerned, there is no attempt to address how the Domain Name is being used or the motives of the Respondent in relation to that registration and use. Instead, the Complainant appears to be under the impression that merely asserting a similarity to the name of its own business is sufficient. Given that the Domain Name comprises what appears to be a person's name in combination with the word "Associates" that is commonly used in business names, this is inadequate.

In the circumstances, there is insufficient evidence before the expert to justify a finding of abusive registration.

8. Decision

Transfer	<input type="checkbox"/>	No action	<input checked="" type="checkbox"/>
Cancellation	<input type="checkbox"/>	Suspension	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>		

Signed:

Matthew Harris

Dated: 19 February 2013