

DISPUTE RESOLUTION SERVICE

D00022660

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

THE NEWS BROADCASTING CORPORATION PLC

and

ANY-Web Limited

1. The Parties:

Complainant: THE NEWS BROADCASTING CORPORATION PLC
THE NEWS BROADCASTING CORPORATION PLC
5 Jupiter House Calleva Park
Aldermaston
Reading
RG7 8NN
United Kingdom

Respondent: ANY-Web Limited
5 Market Place
Stowmarket
Suffolk
IP14 1DT
United Kingdom

2. The Domain Name:

nbc.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 nbc.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)

The Complainant, The News Broadcasting Corporation PLC, asserts rights in the abbreviation TNBC. The Expert observes that the Complainant operates a news website linked to the domain name tnbclive.com since November 2017 and uses 'tnbclive.com' as a figurative sign on this website since 2018. The Complainant provides evidence of several millions of views on its website according to reports dated in June 2019, January 2020 and March 2020.

It is well accepted that the question of Rights falls to be considered at the time that the Complainant makes its Complaint and is a test with a low threshold to overcome. The Expert finds that it is unclear whether the Complainant is recognized by the public under the sign TNBC or rather under the sign 'tnbclive.com' used as a logo on its website. In the first case, the Expert could accept that the sign TNBC is similar to the Domain Name. In any event, given the Expert's decision related to the second element to be proven by the Complainant, the question of Rights is irrelevant in this case.

The Domain Name at issue, nbc.uk, has been registered by the Respondent on 29 January 2018, four months after the Complainant's registration of the domain name tnbcLive.com. In the Expert's view, the Complainant does not show that it was recognized by the public under the sign TNBC or even 'tnbcLive.com' on the date of registration of the Domain Name. Moreover, the Expert observes that the acronym 'nbc' is generic and could have numerous different meanings unrelated to the Complainant. The Complainant argues that consumers often refer to the Complainant as NBC in short because the letter 'T' simply refers to the word 'The', but only provides two recent articles in support of this allegation. These articles originate from a press release of the Complainant itself.

The Expert does not consider that the offer to sell the Domain Name amounts to evidence that the Respondent registered the Domain Name with a view to selling it to the Complainant or a competitor. The offer is an offer to sell a generic three-letter domain name to the public at large in circumstances where there is no credible evidence that the Respondent was, or should, have been aware of the Complainant or its Rights.

According to paragraph 8.4 of the Policy, trading in domain names for profit is of itself a lawful activity. The Complainant has failed to adduce any convincing evidence that the Respondent somehow targeted the Complainant.

There is no evidence suggesting that the Respondent has otherwise used the Domain Name in a manner that could be said to take unfair advantage of or be unfairly detrimental to the Complainant's Rights, if any.

8. Decision

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

Signed: **Flip Petillion**

Dated: **14 July 2020**