

## **DISPUTE RESOLUTION SERVICE**

**D00022934**

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

Instant Domain Search Inc.

and

Thrive Travel Services Ltd.

### **1. The Parties:**

Complainant: Instant Domain Search Inc.  
10796 Madrona Drive  
North Saanich BC  
Canada  
V8L 5MF  
Canada

Respondent: Thrive Travel Services Ltd.  
6 Hardrada Way  
Stamford Bridge  
York  
Yorkshire  
YO41 1LT  
United Kingdom

### **2. The Domain Name:**

instantdomains.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 instantdomains.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)

The Complaint is essentially the Complainant's submission in a UDRP proceeding in front of WIPO (in relation to a number of domains registered in bad faith by the Respondent) with minimal changes. Consequently the Complaint cites several UDRP decisions, makes numerous references to evidence of the Respondent's bad faith and cites WIPO Policy paragraphs rather than the DRS Policy.

There are no references in the Complaint to "Abusive Registration" or to the DRS Policy. It is extremely unhelpful, and rather discourteous, to repeatedly refer to paragraphs of the WIPO Policy as if this magically trumps the DRS Policy and the Expert should therefore follow suit. In future I strongly advise the Complainant's representatives to read the DRS Policy and take cognisance of the fact that it is the Complainant's job, not the Expert's, to demonstrate Abusive Registration by reference to the DRS Policy. It should also be noted that bad faith is not recognised per se under the DRS Policy.

I quote the final paragraph of the DRS Expert's Overview (which the Complainant's representatives should have read):

*“Finally, it should be stressed for the benefit of those who have had experience of domain name disputes under the Uniform Domain Name Dispute Resolution Policy (“UDRP”), that the DRS Policy and the UDRP are different systems. In some places they share very similar wording, but there are significant differences and the citation of UDRP decisions in a dispute under the DRS Policy is rarely likely to be helpful. ....”*

Had this not been a straight forward decision on the face of it and/or a contested dispute there is a real possibility that an expert might well have directed that no action be taken. The Complainant is fortunate that the registration and use of the Domain Name is clearly Abusive.

## **8. Decision**

I grant the Complainant's application for a summary decision. In accordance with section 12 of the Policy, the Domain Name will therefore be transferred to the Complainant.

Signed: ..... Dated: 29<sup>th</sup> September 2020  
Steve Ormand