

# DISPUTE RESOLUTION SERVICE

DRS 9426

## Decision of Independent Expert (Summary Decision)

Cartridge Shop (Jersey) Limited

and

Fast-Data

### 1. The Parties:

Complainant: Address:	Cartridge Shop (Jersey) Ltd First Floor International House 41 The Parade St Helier
Postcode:	JE2 3QQ
Country:	Jersey

Respondent: Address:	Fast-Data Office 4, Asset House 55 Balmoral Road Gillingham Kent
Postcode:	ME7 4NT
Country:	United Kingdom

### 2. The Domain Name(s):

*catridgeshop.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 *catridgeshop.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)

Despite being given a second opportunity, pursuant to paragraph 13(a) of the DRS Procedure, the Complainant has failed to discharge the considerable burden, given the descriptive and generic nature of the CARTRIDGE SHOP name, of proving that it has acquired common law rights in that name.

Since the Complainant has therefore failed to prove that it has any Rights (as defined by the DRS Policy), it follows that there can have been no Abusive Registration (as defined by the Policy) because Abusive Registration can only arise where the Complainant has Rights.

### 8. Decision

No transfer.

Signed: David Engel

Dated: 1 March 2011