

DISPUTE RESOLUTION SERVICE

D00009636

Decision of Independent Expert (Summary Decision)

Oort Ltd

and

Relational Innovation

1. The Parties

Complainant: Oort Ltd
11 Kingswear Road
London
NW5 1EU
United Kingdom

Respondent: Relational Innovation
Barn Hill
Wembley
HA9 9LQ
United Kingdom

2. The Domain Name

oort.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 oort.co.uk is an abusive registration. (See Comments.)

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

Section 4.7 of the *Experts' Overview* says

Where the domain name registration pre-dates the coming into existence of the Complainant's rights, the act of registration is unlikely to lead to a finding of Abusive Registration.

Ordinarily, provided that the Respondent has done nothing new following the coming into existence of the Complainant's rights to take advantage of those rights, the Respondent's use of the domain name is unlikely to lead to a finding of Abusive Registration.

This is precisely the position here.

8. Decision

Transfer		No action	√
Cancellation		Suspension	
Other (please state)			

Signed:

Dated: 29 March 2011

Mark de Brunner