

DISPUTE RESOLUTION SERVICE

D00009796

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

Crusader Advertising Limited

and

Mr Christopher Dale Flannery

1. The Parties:

Lead Complainant: Crusader Advertising Limited
Station Road,
Forest Row
East Sussex
RH18 5EN
United Kingdom

Respondent: Mr Christopher Dale Flannery
113/5872 Hamra
Beirut
961
Lebanon

2. The Domain Name(s):

gemmotoringassist.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 gemmotoringassist.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)

1. The Complaint is a few paragraphs long and does not annex any supporting evidence.
2. The Complainant identifies itself as the UK limited company "Crusader Advertising Limited". So far as I can tell there is no company registered under that name in the United Kingdom. There is, however, a registered company (Company No. 04292510) that once used that name and is now known as "Bankside Media Limited".
3. The Complainant relies upon trade marks that it identifies as no.s 003469814 and 253108. There are no United Kingdom trade marks with these numbers. It may be that the intention of the Complainant was to refer to Community Trade Mark no 3469814 (a device mark incorporating the text "GEM Motoring Assist") and United Kingdom registered trade mark 2563108 (a text mark comprising the words "GEM Motoring Assist"). However, both of these marks appear to be registered under the name of "The Company of Veteran Motorists Ltd". There is no attempt by the Complainant to explain its connection (if any) with that company.
4. In the circumstances, the Complainant has failed to show that it possesses any relevant rights for the purposes of the DRS Policy and consequentially its complaint fails. There is, therefore, no need to consider the issue 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: 22 May 2010