

**DISPUTE RESOLUTION SERVICE**

**D00009932**

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

**Mr Andrew Grimwood**

and

**Remuera Surgical Partners**

**1. The Parties:**

Complainant: Mr Andrew Grimwood  
Braeside  
Ville Au Roi  
St Peter Port  
Guernsey  
GY11NZ  
United Kingdom

Respondent: Remuera Surgical Partners  
PO Box 99051 Newmarket Auckland  
Auckland  
1049  
New Zealand

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

andrewgrimwood.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 andrewgrimwood.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 Complainant relies purely on rights in his personal name. He does not assert or provide evidence that his name has been used to conduct a trade or business.

Paragraph 1.8 of the DRS Experts' Overview on Nominet's website states:

***"1.8 Can rights in a personal name give rise to a right within the definition of Rights?"***

*Yes. If the personal name in question is a trade mark (registered or unregistered), clearly that name is the subject of an enforceable right. If on the other hand, the name in question is not the name under and by reference to which the complainant conducts a trade or business, the position is not so clear. In DRS 00693 (tahirmohsan.co.uk), the Expert held that it was sufficient that the Complainant's name was identical to the domain name and that his name was uncommon in the United Kingdom, but it is by no means certain that all Experts will adopt that approach. Complainants seeking to assert rights in respect of personal names need to*

*be able to establish that there is an enforceable right in respect of the name.”*

In this case, the Complainant has not suggested that his name is uncommon in the United Kingdom. Nor has he taken any other steps to establish, or even argue, that there is an enforceable right in respect of his personal name.

Accordingly, the Complainant has failed to establish “Rights” under the DRS Policy.

## 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"/>		

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Signed: Adam Taylor

Dated: 1 August 2011