

DISPUTE RESOLUTION SERVICE

D00010183

Decision of Independent Expert (Summary Decision)

Office Depot, Inc.

and

Mr Mohsin Khan

1. The Parties

Complainant: Office Depot, Inc.
c/o Greenberg Traurig LLP
77 West Wacker Drive, Suite 2500
Chicago
IL
60601
United States

Respondent: Mr Mohsin Khan
108 Paxford Road
Wembley
HA0 3RH
United Kingdom

2. The Domain Name

theofficedepot.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 ✓

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 ✓

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name theofficedepot.co.uk is an abusive registration.

Yes ✓

6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances.

Yes ✓

7. Comments

Under paragraph 5a of Nominet's Dispute Resolution Service Procedure ('the Procedure'), the Respondent has fifteen days from the start of proceedings under the Dispute Resolution Service (DRS) to submit a response. The Respondent did not respond within that period so, in accordance with paragraph 5e, the Complainant requested a summary decision on the complaint.

The Respondent then asked for a response to be taken into account. I have therefore had to decide whether to admit a response that has been filed late.

Under paragraph 12a of the Procedure, I may, in 'exceptional' cases, extend any period of time in proceedings under the DRS. The *Experts'*

Overview (section 5.8) says that extensions of time 'are rare and will be granted only very sparingly'.

The request here is in the following terms:

I received a letter a few weeks ago from a company called Nominet UK. I never quite fully understood what it was asking me to do. That same week I went away for a couple of weeks and on my return came across two more letters. I opened the letters and called Nominet UK and provided them with detail on the letter. They explained to me that a response was deadline dated for the previous day. I advised them that as I am one day out or less than 24 hours can I have a extension which they said to me that they will speak to the other party and come back to me. They did not want me to have an extension, so Nominet UK told me that I could add my response as a 13b further submission.

The Complainant has worked within the normal time limits set out in the Procedure. The Respondent has not, but the closest he comes to an explanation is to say that he 'went away' the week he was notified of the complaint. He does not say how soon after he was notified he went away, nor does he say in terms why he could not have dealt with the matter before he left. The basis of the Respondent's case for more time appears to be not that he had a good reason for missing the deadline but that he missed it only narrowly. In line with the principle of granting extensions only sparingly, I do not regard that as an exceptional situation.

I have therefore taken only the complaint into account in arriving at a decision.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with paragraph 5f of the Procedure, the domain name will therefore be transferred to the Complainant.