

DISPUTE RESOLUTION SERVICE

D00010373

Decision of Independent Expert (Summary Decision)

Department of Health

and

Porchester Partners Inc.

1. The Parties:

Lead Complainant: Department of Health
DWP/DH Professional Services
The Adelphi
5th Floor
1-11 John Adam Street
London
WC2N 6HT
United Kingdom

Respondent: Porchester Partners Inc.
Mossfon Building
2nd Floor
East 54st Street
P.O. Box 0832-0886
W.T.C Panama
Panama

2. The Domain Name(s):

smokefreenhs.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 smokefreenhs.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 disputed domain was registered after the Complainant established user and registration rights in smokefree.nhs.co.uk. It is clearly confusing and has been used confusingly. In addition the Respondent has a history of similar abusive registrations leading to the conclusion that the Respondent has acted deliberately. The disputed domain is accordingly Abusive.

8. Decision

Transfer	<input checked="" type="checkbox"/>	No action	<input type="checkbox"/>
Cancellation	<input type="checkbox"/>	Suspension	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>		

Signed: Michael Silverleaf

Dated: 01 March 2012