

DISPUTE RESOLUTION SERVICE

D00010912

Decision of Independent Expert (Summary Decision)

Information Tools Limited

and

Mr William D Laserna-Balen

1. The Parties:

Lead Complainant: Information Tools Limited
51 Hurstmere Road
Takapuna
Auckland
Auckland
0622
New Zealand

Respondent: Mr William D Laserna-Balen
38 John Morgan Close
Hook
London
SW20 9NQ
United Kingdom

2. The Domain Name(s):

infotools.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 infotools.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 Expert notes that the finding of Abusive Registration in the present case was made exclusively on the basis of the Complainant's demonstration of circumstances consistent with paragraph 3(a)(i)(A) of the Policy.

No finding of Abusive Registration was made on the basis of the Complainant's additional submission that the Domain Name must be an Abusive Registration because the Respondent had breached the terms of an agreement to sell it to the Complainant by failing to confirm the transfer despite being paid for it. Reference is made to the terms of the Appeal Panel Decision in David Munro v. Celtic.com, Inc. (DRS 04632). See, for example, at page 13 thereof: "Unlike a court, the Panel has no power to give any effective supervision to the enforcement of [the] contract."

The Expert viewed the Complainant's further statement, made in connection with paragraph 13(b) of the Procedure, on the basis that this was restricted to a copy of a case involving the Complainant under the Uniform Domain Name Dispute Resolution Policy, namely Information Tools Limited v. Kanishka Dayal, WIPO Case No. DCO2011-0032. This case added nothing to the Complainant's submissions in the present matter and the Expert did not find it necessary to take it into consideration. Accordingly, the Expert did not invite the Respondent to comment upon it.

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"/>		

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Signed:
Andrew D S Lothian

Dated: 2 April, 2012