

DISPUTE RESOLUTION SERVICE

DRS00011289

Decision of Independent Expert (Summary Decision)

Nicholas Kirkwood Limited

and

Alicie Barlow

1 The Parties

Complainant:	Nicholas Kirkwood Limited
Address:	5b Mount Street Mayfair London W1K 3NE United Kingdom

Respondent:	Alicie Barlow
Address:	215 Cecelia Acres Drive Ivyland PA 18974 United States

2 The Domain Name

nicholaskirkwoods.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 *nicholaskirkwoods.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)

This case might, on its face, have raised some interesting issues as to whether the mark, in which the Complainant undoubtedly has Rights (as defined in the DRS Policy), was being used in a manner which constituted Abusive Registration for the purposes of the DRS, given that the Respondent's website appeared to be selling shoes designed by the Complainant.

However, it is the Complainant's case both that the products being sold on the Respondent websites are in fact counterfeits and that the look and feel of the Respondent's website mimics that of the Complainant's website. Since the Respondent has failed to file a Response, neither of those contentions are denied.

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: David Engle

Dated: 18 July 2012