

DISPUTE RESOLUTION SERVICE

DRS11712

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

Business Junction Limited

and

Mark Herring

1. The Parties:

Lead Complainant: Business Junction Limited
Archer House
Britland Estate
Northbourne Road
Eastbourne
BN22 8PW
United Kingdom

Respondent: Mr Mark Herring
2 Equity Square
Shacklewell Street
London
E2 7EQ
United Kingdom

2. The Domain Name(s):

businessjunction.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 businessjunction.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 has submitted evidence supporting its claim to Rights in a name which is identical or similar to the Domain Name, together with copies of correspondence between the Parties, which throw some light upon the nature of the wider dispute between them. These documents suggest material differences of opinion regarding proprietorship of the Domain Name. In the absence of a Response, the Expert cannot give weight to the Respondent's views, as reflected in the exchanges of letters and emails provided by the Complainant. None of the Complainant's assertions has been challenged and the Respondent has not availed himself of the opportunity to submit evidence in support of his apparent view, which is that the Domain Name is his property, hitherto operated under license by the Complainant. DRS Policy requires a complainant to make its case in full, even in summary decision proceedings. It must do so, moreover, even where no response is made to the complaint. Where this is the case the expert may draw such inferences as seem appropriate in reaching a decision. The Expert in the present case has taken these DRS Policy considerations into account in reaching the Decision set out below.

8. Decision

Transfer

No action

Cancellation

Suspension

Other (please state)

Signed: Peter Davies

Dated: 29 August, 2012