

## DISPUTE RESOLUTION SERVICE

D00014790

### Decision of Independent Expert (Summary Decision)

High End Marketing Limited

and

Wang Degui

#### 1. The Parties:

Lead Complainant: High End Marketing Limited  
Intershore Chambers  
Tortola  
4342  
Virgin Islands (British)

Respondent: Wang Degui  
jiangsunanjing  
nanjiang  
jiangsu  
211800  
China

#### 2. The Domain Name(s):

eucasino.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 Names **eucasino.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 evidence provided with this Complaint is simply not sufficient to justify a finding of Abusive Registration.

The Disputed Domain Name was registered on 20 November 2012. The Complainant's CTM application was filed only on 27 January 2014, & registered 11 August 2014, with the Complaint filed on 26 September 2014. The Complainant also claims to have goodwill in EUCASINO from use of eucasino.com over three years, but provides no supporting evidence for this claim, apart from an undated screenshot purporting to show its name as Registrant of eucasino.com. However, on inspection, the current Whois details for eucasino.com are not possible to validate as they are concealed behind a proxy identity. The URL [www.eucasino.com](http://www.eucasino.com) redirects to casino.redking.co.uk - there is no obvious reference to EUCASINO, but it states prominently that %CasinoRedkings is operated by Skill on Net Ltd, a company registered in Malta+with its business address also given as in Malta, which is clearly not the Complainant. So whilst the Complainant does have registered rights from August 2014, the Expert finds no evidence to support a claim to any earlier rights.

Although the Complainant asserts various grounds for considering the Domain Name to be an Abusive Registration, none of these is supported by any convincing evidence. Three adverse prior Decisions against the Respondent under UDRP and DRS are cited, but only one is DRS and so there can be no automatic presumption under the Policy. The Domain Name has not been used for a website. The Nominet Whois record actually states %Registrant contact details validated by Nominet on 10-Dec-2012+. The Complainant has not made out its case.

**8. Decision**

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

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Signed:  
Keith GYMER

Dated: 7 November, 2014