

DISPUTE RESOLUTION SERVICE

D00015794

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

The Conair Group Limited

and

Salonlines Limited

1. The Parties:

Complainant: The Conair Group Limited
3 Waterfront Business Park
Prospect Court
Fleet
Hampshire
GU51 3TW
United Kingdom

Respondent: Salonlines Limited
Salon House
Space A
20 Edwards Lane
Speke
Liverpool
L24 9HW
United Kingdom

2. The Domain Name:

babylisshair.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 babylishshair.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 nominated Eddisons Commercial Ltd of Stockport ("Eddisons") as an additional Complainant. However, the Complainant's email exchange with Mr. Steven Milner of Eddisons reveals that Eddisons is an auction house appointed as agent for the liquidators of the Respondent.

The Complainant claims that the Respondent has been wound up and that the domain name has been sold to Mr. Milner by the liquidator. However, the credit report annexed to the Complaint (which also asserts that the Respondent was wound up) states that the liquidators were appointed at a creditors meeting held on February 26, 2015.

There is no evidence that the liquidators have been able, in the short time between their appointment and the filing of this Complaint on April 14, 2015, to dispose of the company's property and hold a final meeting prior to dissolution, as required by the *Insolvency Act, 1986*. Accordingly, I proceed on the basis that the winding up of the Respondent is still in progress and that the domain name remains properly registered with the Respondent, albeit under the control of the liquidators, and has not been sold to Mr. Milner.

It appears from the website screenshot (Exhibit 9 to the Complaint) that the Respondent, prior to the appointment of the liquidators, was an official online supplier of the Complainant's products. Accordingly there is no basis for a finding that the Respondent's registration of the domain name in 2010 was an Abusive Registration.

Despite this I find that, although the domain name registration remains with the Respondent, upon their appointment the liquidators "otherwise acquired" the domain name, (within the meaning of the DRS Policy, paragraph 1.1) in that they have possession and control of it, and that, in the performance of their functions, they did so primarily for the purpose of selling the domain name, through their agent, an auction house, to the Complainant for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly associated with acquiring or using the domain name.

Accordingly the domain name is an Abusive Registration of the kind contemplated by the DRS Policy, paragraph 3a.i.A.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with paragraph 5f of the Procedure, the domain name will therefore be transferred to the Complainant.

Signed: Alan Limbury

Dated: May 9, 2015