

DISPUTE RESOLUTION SERVICE

D00016217

Decision of Independent Expert (Summary Decision)

HI Weldrick Ltd

and

Viacheslav Antonov

1. The Parties:

Complainant: HI Weldrick Ltd
Unit 3B White Rose Park
Ten Pound Walk
Doncaster
South Yorkshire
DN4 5FB
United Kingdom

Respondent: Viacheslav Antonov
Engelsa 93
Saint Petersburg
SAINT PETERSBURG
Russian Federation

2. The Domain Name:

weldrickspharmacy.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 weldrickspharmacy.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 must prove Rights as defined by the DRS Policy. The Expert Overview version 2 (a compilation and description of important decisions made by Experts over the years) provides many examples of what can and what cannot be treated as Rights: I accept the view that the mere act of registering a company name is not sufficient to constitute Rights. Equally, registering domain names containing the company's name does not, in my view, constitute Rights under the DRS Policy. The Complainant has described trading activities, but has produced absolutely no evidence to support this. The comments at paragraph 2.2 of the Experts Overview are very relevant in this context: I would not have expected a vast amount of evidence showing usage of the company name in a trading context, but I did need to see at least some.

On the question of Abusive Registration, the Complainant's statements regarding the Respondent's intentions regarding the Domain Name appear to be speculation. The Complainant has stated that a cease

and desist letter was sent, but a copy has not been produced and no evidence was produced to support the assertion that the Respondent's website included the Complainant's products. Again, the Complainant has stated that this "may be" a case of squatting, but this is insufficient as a basis for my decision on the balance of probabilities.

8. Decision

I refuse the Complainant's application for a summary decision. The domain name registration will therefore remain with the Respondent.

Signed: Richard Stephens

Dated: 10 August 2015