

DISPUTE RESOLUTION SERVICE

D00016289

Decision of Independent Expert
(Summary Decision)

The Lenders List Ltd

and

Identity Protect Limited

1. The Parties

Complainant: The Lenders List Ltd
36 Westerdale
Luton
LU4 9YA
United Kingdom

Respondent: Identity Protect Limited
PO Box 795
Godalming
Surrey
GU7 9GA
United Kingdom

2. The Domain Name

<lenderslist.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 <lenderslist.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

The Complainant is required to demonstrate both Rights and Abusive Registration on balance of probabilities. In this case, the Expert has not been presented with sufficient proof of either Rights or Abusive Registration and so must deny the case.

In terms of Rights, the Complainant has only provided evidence of a company name and trade mark applications, neither of which suffice.

Turning to Abusive Registration, the Complainant has made various allegations, but unfortunately none of these allegations are supported by any evidence. For example, there are unsubstantiated references to complaints being received due to confusion with the Respondent's website, and allegations that the Respondent "has multiple sites around the world"

and has asked for £6,500 for the domain name, but no evidence has been provided to prove this.

The Complainant refers several times to a Mr Blanoff, although based on the details available on the Respondent's website, it seems that this should most likely be a Mr Balanoff. The Respondent appears to have used the registrar's privacy protection service, which in and of itself is not an indication of Abusive Registration, although could be a relevant factor depending on the surrounding circumstances, and it is the Complainant's responsibility to prove this.

8. Decision

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

Signed: Jane Seager

Date: 8 September 2015