

# DISPUTE RESOLUTION SERVICE

**D00016531**

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

**Delaheys Nursing Care Home**

and

**Jens Kappel**

## **1. The Parties:**

Complainant: Delaheys Nursing Care Home  
215 Clifton Drive South  
Lytham St. Annes  
Lancashire  
FY8 1ES  
United Kingdom

Respondent: Jens Kappel  
Kirchenallee 23  
Niederwinkling  
NIEDERWINKLING  
94559  
Germany

## **2. The Domain Name:**

delahaey.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 delaheys.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 asserts that the registration of the Domain Name by the Respondent, when the Complainant's registration of the Domain Name expired is an abusive registration on the part of the Respondent in this case. However, there is no evidence that the Respondent was involved in the failure to warn the Complainant that its registration was due to expire or has targeted the Complainant by picking up the registration on expiry. There is no evidence, for example, that the Respondent was behind the e mail to the Complainant inviting it to register a new site upon expiry of the Complainant's registration of the Domain Name. As such the Expert is unable based on the evidence provided to determine that the Respondent's registration or use of the Domain Name is abusive.

## **8. Decision**

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

Signed: Dawn Osborne

Dated: 29 October 2015