

DISPUTE RESOLUTION SERVICE**D00017952****Decision of Independent Expert**

Seiko Epson Kabushiki Kaisha

and

Jainendra Upadhyay

1. The Parties

Complainant: Seiko Epson Kabushiki Kaisha
1-6, Shinjuku 4-chome
Shinjuku-ku
Tokyo
Japan

Respondent: Jainendra Upadhyay
20-22 Wenlock Road
London
N1 7GU
United Kingdom

2. The Domain Names

<epson-help.co.uk>, <epson-printer-help.co.uk> and <epson-printer.co.uk>

3. Procedural History

3.1 I confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, that need be disclosed as they might be of such a nature as to call in to question my independence in the eyes of one or both of the parties.

3.2 On 12 September 2016 the dispute was received. On 14 September 2016 the complaint was validated and notification of it sent to the parties. On 16 September 2016 the response was received and notification of it sent to the parties. On 22 September 2016 the reply was received, notification of it sent to the parties and the mediator appointed. On 12 October 2016 the mediation failed and close of mediation documents were sent. On 24 October 2016 the Expert decision payment was received from the Complainant.

4. Factual Background

4.1 The Complainant is a Japanese electronics company and one of the world's largest manufacturers of printers and imaging equipment. The reported revenue for the Complainant's global business was USD\$9.6bn for the year ended 31 March 2016.

4.2 The Complainant's main global website is at global.epson.com. The Complainant's subsidiary company operates a UK focused website at www.epson.co.uk which

provides support for the Complainant's customers and also gives a support telephone number.

- 4.3 The Complainant is the owner of the following trade mark registrations:
- (a) UK trade mark no 1048343 for EPSON registered in Class 9 with a filing date of 19 June 1975;
 - (b) US trade mark no 1134004 for EPSON registered in Class 9 with a filing date of 25 August 1975; and
 - (c) EU trade mark no 004147229 for EPSON registered in Classes 2, 9 and 16 with a filing date of 29 November 2004.
- 4.4 The Respondent is the registrant of a number of domain names, including the Domain Names which were registered on 15 March 2016. The WHOIS record for each of the Domain Names states that Nominet was not able to match the registrant's name and/or address against a 3rd party source on 15 March 2016.
- 4.5 The websites at the Domain Names advertised technical support for EPSON printers and 0800 telephone help numbers. On or about 26 August 2016, the Complainant's agent contacted the Respondent's hosting provider resulting in the websites at the Domain Names being suspended. On or about 2 September 2016, the websites were reinstated in a different form and were again suspended. At the time of submission of the Complaint they remained inactive.

5. Parties' Contentions

- 5.1 I set out below a summary of what I regard to be the main contentions of the parties.

The Complainant's complaint

- 5.2 The Complainant submits it has Rights in respect of a name or mark which is identical or similar to each of the Domain Names:
- (a) The Complainant relies on its registered trade marks for EPSON (see paragraph 4.3 above) and states the filing date of the earliest of these marks pre-dates the registration of the Domain Names by 41 years.
 - (b) The Complainant says the EPSON mark is extremely well known; forms the first, dominant, most significant and distinctive element of each of the Domain Names; is a 'made-up' term that has no generic or descriptive meaning; and is entirely referable to the Complainant.
 - (c) The Complainant contends the additional terms 'printer' and 'help' in the Domain Names are generic, relate entirely to the Complainant's product and do not distinguish the Domain Names from the distinctive EPSON element.
 - (d) The Complainant argues that if the Domain Names did not include EPSON their meaning and significance would be entirely different as they would not relate to the Complainant or its activities.
 - (e) The Complainant relies on the Appeal Panel decision in DRS 03027 EPSON Europe BV v Cybercorp Enterprises which held that EPSON was the distinctive and dominant component of the domain names in that case the remaining terms being laudatory ('cheap') and/or purely descriptive ('ink'). The Complainant avers the additional words 'printer' and 'help' in the Domain Names are similarly non-distinctive.

- (f) The Complainant says the .co.uk suffix of the Domain Names should be disregarded.
- 5.3 The Complainant submits that each of the Domain Names, in the hands of the Respondent, is an Abusive Registration:
- (a) The Complainant says it has a reasonable apprehension that the Domain Names are being used to promote a technical support scam. The Complainant states it became aware of the Domain Names through customer complaints received in summer 2016. The Complainant was made aware that when customers rang the telephone numbers advertised on the sites at the Domain Names they were advised by the Respondent or an associate that the user's computer had been "corrupted" and that a fee would need to be paid for the issue to be resolved. The Complainant says the Respondent operates a large network of support phone numbers and that the phone number given on the website at www.epson-help.co.uk is also used on a number of other support websites. The Complainant contends it is extremely unlikely that the Respondent operates genuine helplines for wide-ranging products and services from the same phone number. The Complainant relies on the decision in DRS 16918 Yahoo! Inc. v. Divya Taneja concerning the domain name <yahoohelpnumber.co.uk> the registration of which was held to be abusive and says the facts in this case closely mirror those in that decision.
- (b) The Complainant relies on paragraph 3.a.ii. of the Nominet Dispute Resolution Service Policy ("the Policy"). The Complainant says that before they were suspended the websites at the Domain Names were highly misleading. The Complainant contends they were designed by the Respondent to confuse people or businesses into believing the Domain Names are registered to, operated or authorised by, or otherwise connected with the Complainant.
- (c) The Complainant says the websites at each of the Domain Names had the following in common:
- (i) a similar look and feel to the Complainant's site at epson.co.uk, utilising a predominately blue and grey colour scheme and a broadly similar layout;
 - (ii) the word EPSON prominently at the top of each website;
 - (iii) pictures of the Complainant's products;
 - (iv) use of phrases such as "FACING ANY PROBLEM / CALL US NOW", "EPSON Printer Help/For Technical Support" or "SUPPORT FOR EPSON PRINTER" prominently at the top of each website;
 - (v) not clearly setting out there is no relationship with the Complainant;
 - (vi) a disclaimer inconspicuously located at the bottom of the page and "below the fold" where few web users would see it; and
 - (vii) an invitation to phone one of the Respondent's many toll-free 0800 telephone numbers.
- (d) The Complainant contends the Domain Names are inherently confusing and are highly likely to confuse people into believing the websites are endorsed by, associated with or managed by it.
- (e) The Complainant contends this confusing similarity was the Respondent's intention, designing misleading sites in order to confuse web users and drive

them to the Respondent's phone lines to mislead them into believing their computers have been compromised and/or their identities stolen.

- (f) The Complainant relies on paragraph 3.3 of the Dispute Resolution Service – Experts' Overview relating to "initial interest confusion". The Complainant contends that web users who type the Domain Names into their browser or who find them through a search engine will assume they are operated or endorsed by it. The Complainant says this initial confusion is not dispelled when users reach the websites at the Domain Names but is compounded by the misleading look and feel of the sites, disingenuous content and lack of clarity on the relationship between the Respondent and Complainant.
 - (g) The Complainant relies on paragraph 3.a.i.C. of the Policy that each of the Domain Names was registered for the purpose of unfairly disrupting the business of the Complainant. The Complainant says its business has been directly disrupted as it provides support services for its printers and other peripherals and operates its own support helpline. The Complainant argues that any use of the Domain Names, even by an authentic bona fide supplier of genuine support services, would be misleading and cause disruption to the Complainant's business. The Complainant also says the Domain Names have caused indirect disruption to its business as there has been an increase in customer enquiries and complaints, increasing the burden on its support staff.
 - (h) The Complainant relies on paragraph 3.a.iii. of the Policy. The Complainant contends the Respondent is the registrant of domain names which correspond to well-known names or trade marks in which the Respondent has no apparent rights and the Domain Names are part of that pattern. The Complainant gives examples of these domain names; says they share similar characteristics to the Domain Names; and that the websites at these domain names are similar to those at the Domain Names.
 - (i) The Complainant alleges there are other factors indicative of Abusive Registration. The Complainant says that Nominet being unable to match the Respondent's name and/or address against a third party source is, perhaps, indicative that the Respondent has used false contact details on WHOIS. The Complainant contends that a legitimate, bona fide business would have contacted it after the sites at the Domain Names were suspended to resolve the issue before restoring them. The Complainant also contends it is likely the Domain Names facilitate possible fraud and/or computer misuse offences.
 - (j) The Complainant says the Respondent is not authorised by it to offer support services and is not associated or affiliated with it in any way.
- 5.4 The Complainant submits that none of the factors in paragraph 4.a. of the Policy apply.
- (a) Paragraph 4.a.i.A: The Complainant says it has a reasonable belief that the Domain Names are not being used in connection with a genuine offering of goods or services. It contends the opposite; the Domain Names being used for misleading, confusing and potentially fraudulent use.
 - (b) Paragraph 4.a.i.B: The Complainant states that to its knowledge the Respondent has never been known by or legitimately connected with the terms EPSON, EPSON HELP, EPSON PRINTER HELP or EPSON PRINTER.

- (c) Paragraph 4.a.i.C: The Complainant contends the Respondent's use of the Domain Names for commercial purposes demonstrates that they were not registered for non-commercial, tribute or critical purposes.
- (d) Paragraph 4.a.ii.: The Complainant says the Domain Names are not generic or descriptive as their dominant element is the distinctive, made-up term EPSON which relates entirely to the Complainant, its products and activities.

The Respondent's response

- 5.5 The Respondent's response is brief and is set out in full below.

"We have went through your mail and got to know the complaint you have for our website i.e. epson-help.co.uk, Epson-printer-help.co.uk, Epson-printer.co.uk. In that context we want to tell you that we have mentioned in each of our websites that we are third party service provider for the issues related to printers, computers and software. The disclaimer that we have put in our websites declares:

"Disclaimer: We are an independent third party technical support service provider for third party products and services. We aim to provide best of the services in the market through our certified specialists who are well-versed in their specific domains and are authorized by leading companies like Microsoft, ITIL etc. All the trademarks, brand-names, company names and their logos are used only for providing important information, and we hereby, disclaim any type of association, and/or affiliation either in direct or indirect form with any such brand, logo, products and/or services."

We have no relation with any particular company. We provide technical support and to do that we charge some sort of amount from the caller. Now moving towards your complaint related to the Domain name in this regard I would say that we have purchased the Domain names from domain name providing website namely "Godaddy. Com". The domain name we are using was available in Godaddy.com and that is the reason we are using above mentioned domain names. We hhave worked through white Hat SEO to get the ranking and we have always been very clear through our websites that we are third party service provider. The only reason why we were using the name of Epson because that domain name was available online for sale. Had it not been the case, we would have never used that domain".

The Complainant's reply

- 5.6 The Complainant says the disclaimer in the response does not correspond to that on the site at epson-help.co.uk. The Complainant contends that, whatever the wording, the disclaimers do not excuse the Respondent's registration of the Domain Names, potentially fraudulent activities or sufficiently prevent confusion. The Complainant states that by the time web users reach and read the Respondent's disclaimers the Respondent's objective of attracting users to its sites through use of the Complainant's trade mark in the Domain Names will have been achieved.
- 5.7 The Complainant says the Respondent has chosen not to address its concerns that the Domain Names have been used for potentially fraudulent use, specifically for a "technical support scam"; has not explained how it can offer technical support for many products through the same telephone number or why it has such a large number of domain names incorporating third party rights; or clarified why it reactivated the websites after they were suspended. The Complainant contends the Respondent's silence on these key points is highly indicative that he has no genuine, bona fide interest in the Domain Names.

- 5.8 The Complainant submits that the availability of the Domain Names for registration is irrelevant to Rights and Abusive Registration under the Policy.
- 5.9 The Complainant says the Respondent has not set out why it needed to register misleading domain names. The Complainant relies on the Respondent's statement of having no relation with any particular company to argue that he could have operated from a generic domain name rather than targeting the Complainant's marks.
- 5.10 The Complainant asserts the Respondent cannot be considered a genuine reseller. The Complainant contends that even if the Respondent did offer a legitimate, bona fide, competing service the registration of the Domain Names would still be abusive. The Complainant relies on the Appeal Panel decision in DRS 16416 World Wrestling Entertainment, Inc. v. Daniel Raad and the earlier Appeal Panel decision in DRS 07991 Toshiba Corporation v. Power Battery Inc. The Complainant says the Respondent does not meet the criteria set down in these decisions and says:
- (a) The sites at the Domain Names do not sell genuine goods or services;
 - (b) The Respondent has combined the EPSON mark with additional words to create Domain Names that would readily be considered as belonging to or endorsed by the Complainant;
 - (c) The EPSON mark is an extremely strong and well known mark which enjoys global fame and is the dominant element of each of the Domain Names;
 - (d) The Respondent is not affiliated with or licensed by the Complainant and has no contractual or other relationship with the Complainant;
 - (e) The sites at the Domain Names replicate a similar look-and-feel to the Complainant's site at epson.co.uk; and
 - (f) The disclaimers on the sites are below the fold and not clear, prominent or unambiguous.
- 5.11 The Complainant concludes there are no circumstances in which the Respondent could use the Domain Names for a potentially fraudulent use which could not be considered Abusive.

6. Discussions and Findings

- 6.1 Under paragraph 2 of the Policy in order to succeed with its complaint the Complainant is required to prove to the Expert, on the balance of probabilities, that:

"i. The Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name; and

ii. The Domain Name, in the hands of the Respondent, is an Abusive Registration."

Rights

- 6.2 Rights is defined in paragraph 1 of the Policy as *"rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning."*
- 6.3 I consider the Complainant has established registered trade mark rights and unregistered rights through use in the EPSON mark. I therefore consider that the Complainant has Rights in the EPSON mark.
- 6.4 The additions to the EPSON mark in the Domain Names are '-printer-help', '-help' and '-printer' (disregarding the .co.uk suffix which it is well established should be ignored when assessing similarity). I do not consider these additions distinguish the Domain

Names from the EPSON mark. The dominant element in each of the Domain Names is EPSON; the additional wording in each case is descriptive and non-distinctive.

- 6.5 I therefore find that the Complainant has Rights in respect of a name or mark, EPSON, which is identical or similar to the Domain Names.

Abusive Registration

- 6.6 Under Paragraph 1 of the Policy Abusive Registration means a Domain Name which either:

- i. was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; or*
- ii. has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights.*

- 6.7 Paragraph 3 of the Policy sets out a non-exhaustive list of factors which may be evidence that the Domain Name is an Abusive Registration. The Complainant relies on paragraph 3.a.i.C. in support of an Abusive Registration under paragraph 1.i. of the Policy as follows:

- i. Circumstances indicating that the Respondent has registered or otherwise acquired the Domain Name primarily:
 - C. for the purpose of unfairly disrupting the business of the Complainant;**

- 6.8 Paragraph 1.i. of the Policy relates to the Respondent's motives at the time of registration of the Domain Names. Accordingly, for there to be an Abusive Registration under this paragraph it must be established that the Respondent had knowledge of the Complainant and/or its Rights at the time of registration of the Domain Names.

- 6.9 In this case, I am satisfied the Respondent was aware of the Complainant at the time of registration of the Domain Names. The Complainant is a large and well known business for printers. The Respondent says his business is a third party service provider for issues relating to printers, computers and software. The websites at the Domain Names were used to advertise technical support services for EPSON printers. The Respondent does not deny knowledge of the Complainant but says he registered the Domain Names because they were available. I therefore conclude that the relevant knowledge for an Abusive Registration under paragraph 1.i. of the Policy is established. If the Respondent registered the Domain Names for the purpose of unfairly disrupting the business of the Complainant, by attracting users to the Respondent's sites who were looking for the Complainant and once there potentially diverting users into placing business with the Respondent, this may be an Abusive Registration under paragraph 1.i. of the Policy.

- 6.10 The Complainant also relies on paragraph 3.a.ii. of the Policy in support of an Abusive Registration under paragraph 1.ii. of the Policy as follows:

- ii. Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant;*

- 6.11 This dispute raises the issue of whether an unauthorised supplier of services relating to the goods of a trade mark owner can incorporate that trade mark in its domain name without it constituting an Abusive Registration. This has been considered by a

number of Appeal Panels, most recently by the Appeal Panel in DRS 16416 World Wrestling Entertainment, Inc. v Daniel Raad which set out the following general principles (I use italics where I quote directly from the decision):

- (a) Simply using the name of another trader is likely to be objectionable as it is likely to fall within Paragraph 3.a.ii. of the Policy.
- (b) *"It has also been generally accepted that where the Domain Name in question is in substance an unadorned reproduction of a Complainant's trade mark (or a minor variant thereof) without any additional modifying terms, that will suffice to establish such confusion, even if a visitor to the website linked to the Domain Name would realise once they got there that the site itself was nothing to do with the Complainant".*
- (c) *"However the use of an "unadorned" name or trade mark as a domain name ...is to be contrasted with the situation where a name or trade mark in combination with a modifying term is used".*

6.12 The DRS 16416 Appeal Panel also summarised the Appeal Panel decision in DRS 07991 Toshiba Corporation v Power Battery Inc. which had previously considered the issue of a reseller's use of a trade mark in a domain name:

"four criteria were identified as being relevant to the determination of whether a reseller's use of a domain name incorporating a complainant's trade mark/name is abusive, as follows:

1. *It is not automatically unfair for a reseller to incorporate a trade mark into a domain name and the question of abusive registration will depend on the facts of each particular case.*
2. *A registration will be abusive if the effect of the respondent's use of the domain name is falsely to imply a commercial connection with the complainant.*
3. *Such an implication may be the result of "initial interest confusion" and is not dictated only by the content of the website.*
4. *Whether or not a commercial connection is implied, there may be other reasons why the reseller's incorporation of the domain name is unfair. One such reason is the offering of competitive goods on the respondent's website.*

When addressing whether it would be fair to offer competing goods, the Panel said the following:

"The further issue, however, is whether the fact of the offering of competitive products on the Respondent's website is sufficient to render the registration abusive, even in the absence of "initial interest confusion". On this question, the Panel unanimously considers that, if and insofar as it is fair for a retailer to incorporate a trade mark into its domain name without the trade mark owner's consent, to accord with the principles stated above that fairness is likely to be dependent upon the retailer only selling the trade mark owner's genuine products. To do otherwise is likely to take unfair advantage of the Complainant's rights by "riding on its coat-tails" for the benefit of the Respondent. This element of unfair advantage remains, even where little or no detriment to the Complainant has been demonstrated.""

6.13 The DRS 16416 Appeal Panel concluded that *"the extent to which the incorporation of a modifying term into a domain name will result in the domain name not being confusing within the meaning of Paragraph 3.a.ii of the Policy depends upon the facts of a given case"*. The Panel went on to set out some principles that apply concerning a

domain name where the alleged abuse is in respect of a website selling only the genuine goods or services of the complainant. The Panel said:

- “6. Use of the name or trade mark concerned is also likely to amount to an Abusive Registration if the name or trade mark is combined with a term or terms that results in a domain name which would readily be considered to be that of the owner of the name or trade mark concerned.
7. Such use is less likely to amount to an Abusive Registration if the name or trade mark concerned is combined with a term or terms that results in a domain name which would not readily be considered to be that of the owner of the name or trade mark concerned.

In stating these principles the Panel would add as follows:

.....

9. As stated above these principles apply where the website in question is selling only the goods or services of the owner of the name or trade mark concerned. If competing or counterfeit products are also or alternatively being sold then still further considerations may apply and a given domain name which would not amount to an Abusive Registration in accordance with these principles may nevertheless be found to be so when such additional considerations are taken into account.

It follows that in any given case the exact point at which a given domain name can be considered to be unobjectionable will depend upon all the facts, including of course the modifying term used.”

6.14 Taking into account the above guidance I consider that the Domain Names, in the hands of the Respondent, are Abusive Registrations under paragraphs 1.i. and 1.ii. of the Policy having regard to the considerations set out below.

- (a) The Complainant has not authorised the Respondent to register or use the Domain Names and the Respondent has no commercial connection with the Complainant.
- (b) Each of the websites at the Domain Names was used to advertise unauthorised technical support services for the Complainant’s goods which compete with those of the Complainant.
- (c) I consider the very nature of the Domain Names causes “initial interest confusion” namely that Internet users seeing the Domain Names believe, or are likely to believe, that they are registered to, operated or authorised by, or otherwise connected with the Complainant. In DRS 16416 the Appeal Panel considered the modifying term “shop” and said: “*The term “shop” itself is simply a very general term suggesting a retail operation-such a term might well be adopted by a trade mark owner to designate a web site which makes available its products for sale and in the opinion of the Panel the domain name wwe-shop.co.uk might reasonably be thought to be that of the Complainant, particularly when the Complainant operates substantially the same type of on-line retail business itself.*” Similarly I consider the terms ‘-help’, ‘-printer-help’ and ‘-printer’ are general terms which might well be adopted by the Complainant to designate websites for its printer products and help services and the Domain Names might reasonably be thought to be those of the Complainant. There is nothing in the Domain Names such as ‘independent’ to indicate to Internet users that they are not connected with the Complainant.

- (d) I am supported in this conclusion by the content of an e-mail received by the Complainant from a customer which states:

"I was having a problem with my Epson XP 405 printer.

I entered "Epson Help" into my search box and found:

- *Epson Printer Help UK 0800-098-8343 Epson Support UK
epson-help.co.uk
Call Toll Free 0800-098-8343 For Epson Printer Support In UK. We provide instant help in less time. Our Experts give you 24*7 Online Support and services.*
- *I went into this web site and rang the telephone number given.*
- *I spoke to a gentleman called Richard.*
- *I explained my problem and he said if I gave him access to my computer he would re-set my printer drivers.*
- *We went through various different screens, and he then told me that my printer had been corrupted by my computer.*
- *He then told me that my "whole identity had been corrupted", and that all my passwords etc could be accessed.*
- *I asked what I could do about that, and he told me that "A Government Department" was responsible for my "Identity", and that I would have to pay them £199.95 + VAT to get it resolved!!! I am 81 years old, and by this time I was extremely worried, and didn't want to go any further until I had spoken to someone else about this.*

I have spoken to several "computer savvy" members of my family, and they all find this very strange.

I am feeling extremely stressed, by all this, and would like you, please, to tell me if my call to that number and the advice I was given is genuine.

Is so can you please explain about the "Government Department" supposedly in charge of my "Identity"

I am now very concerned that I gave access to my computer, and that it was not an Epson Technician."

- (e) This e-mail evidences initial interest confusion when 'Epson help' was typed into a search engine and epon-help.co.uk was presented in the results. I consider it likely there would have been initial interest confusion when a user typed 'Epson printer' or 'Epson printer help' into a search engine and was presented with epon-printer.co.uk and epon-printer-help.co.uk in the results.
- (f) I consider the Respondent registered the Domain Names, with knowledge of the Complainant, with the intention of attracting Internet users looking for the Complainant's technical support services or those authorised by the Complainant to the Respondent's site and once there potentially diverting those users into placing business with the Respondent.
- (g) I also consider the content of the Respondent's websites at the Domain Names did not make it clear that they have no commercial connection with the Complainant. On 26 August 2016 the site at epon-help.co.uk had 'Epson Help' in the top left and a picture of the Complainant's product with "Facing any Problem Call us Now" alongside; the site at epon-printer.co.uk had 'Epson Printer' in the

top left with “Support for Epson Printer” underneath and a picture of the Complainant’s product next to this; and the site at epson-printer-help.co.uk had ‘Epson Printer Contact UK’ in the heading with “Epson Printer Help for Technical Support” underneath and pictures of the Complainant’s products on the site. All of the sites featured 0800 contact numbers. The disclaimers on each site (the disclaimer on the site at epson-help.co.uk had slightly different wording to that cited in the response) were located at the bottom of the web pages in small type where they were unlikely to be seen by Internet users and, in my view, did not clearly set out that there was no commercial connection with the Complainant. Whilst changes were made to the content of the sites following their suspension, including removing pictures of the Complainant’s products, they still did not, in my view, make it sufficiently clear to Internet users that they have no commercial connection with the Complainant.

6.15 The Complainant makes the serious allegation that the Domain Names are Abusive Registrations as they were used in an alleged “technical support scam”. However I say nothing further on this as I have not taken this allegation into account in reaching my decision.

6.16 The Complainant also relies on paragraph 3.a.iii. of the Policy as evidence of Abusive Registration:

“The Complainant can demonstrate that the Respondent is engaged in a pattern of registrations where the Respondent is the registrant of domain names (under .uk or otherwise) which correspond to well known names or trade marks in which the Respondent has no apparent rights, and the Domain Name is part of that pattern;”

6.17 The Complainant relies on the following domain names owned by the Respondent as examples of the asserted pattern of registrations: adobesupportnumber.co.uk; canon-help.co.uk; gmailhelpnumber.co.uk; hp-printer-help.co.uk; mcafee-help.co.uk; and microsofthelpnumber.co.uk. The Complainant says these domain names share similar characteristics to the Domain Names in that the dominant element is a well-known mark of a global technology-sector business suffixed with the words ‘help’, ‘help number’, ‘support’ or related synonyms. The Complainant also says the web sites at these domain names are similar to those at the Domain Names. The Complainant notes these domain names and the Domain Names were registered within the first six months of 2016.

6.18 In DRS 03027 EPSON Europe BV v Cybercorp Enterprises which concerned a number of domain names incorporating ‘epson’ the Appeal Panel said:

“In reaching this conclusion the Panel has been wary of reliance on the Respondent’s registration of canon-inkjet-cartridge.co.uk, hp-inkjet-cartridge.co.uk and lexmark-inkjet-cartridge.co.uk. These domains fall into the same broad category as the Domain Names in issue, and for the Complainant to rely on them as indicative per se of Abusive Registration would be to employ somewhat circular reasoning.”

6.19 I consider that the domain names which the Complainant relies on are in the same broad category as the Domain Names. For the reasons set out by the Appeal Panel in DRS 030127 I have not relied on paragraph 3.a.iii. of the Policy in making my decision.

6.20 Finally, I do not consider that any of the factors in Paragraph 4 of the Policy apply that may be evidence that the Domain Names are not Abusive Registrations.

7. Decision

7.1 I find that the Complainant has Rights in a name or mark which is identical or similar to each of the Domain Names and that each of the Domain Names, in the hands of the Respondent, is an Abusive Registration.

7.2 I direct that the Domain Names be transferred to the Complainant.

Patricia Jones

Dated 21 November 2016