

# **DISPUTE RESOLUTION SERVICE**

**D00018495**

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

Westernboys

and

Mark Leach

### **1. The Parties:**

Complainant: Westernboys  
Quither Down Farm  
Hayedown  
Tavistock  
Devon  
PL19 0NN  
United Kingdom

Respondent: Mark Leach  
1 Worlds End Lane  
Quinton,  
Birmingham  
West Midlands  
B32 1JB  
United Kingdom

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

westernboys.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 section 3 and 6 of the Policy.

Yes

### 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

### 5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name westernboys.co.uk is an abusive registration

Yes

### 6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances

Yes

### 7. Comments (optional)

The Complainant has made out a *prima facie* case that the Complaint is made by the trustees of a support group called "Westernboys" which has been in operation since 2002. The group is run by volunteers and has a website at <www.westernboys.org> which it has used continuously for a number of years except for a short period of time up to 2014 when the trustees recommenced use. The Respondent has not submitted any Response.

The Complaint alleges, and the Respondent has not denied that the Respondent is a former trustee of the Complainant group; that he no longer associated with the group; that he has registered the disputed domain name to set up an alternative unauthorised website which will result in a confusion among Internet users.

The WHOIS database shows that the registrant is a non-trading individual who has opted to have their address omitted from the WHOIS service.

## **8. Decision**

I grant the Complainant's application for a summary decision. In accordance with section 12 of the Policy, the domain name westernboys.co.uk will therefore be transferred to the Complainant.

Signed: James Bridgeman,  
Expert

Dated: 7 March 2017