DISPUTE RESOLUTION SERVICE

D00018781

Decision of Independent Expert

(Summary Decision)

Eastway Electrical Contractors Limited

and

Mr Kevin Adams

1. The Parties

Complainant: Eastway Electrical Contractors Limited
73 Clementina Road
Leyton
London
E10 7LT
United Kingdom

Respondent: Mr Kevin Adams
44 Lincolns Mead
Lingfield
Surrey
RH7 6TA
United Kingdom

2. The Domain Name

<eastway.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 sections 3 and 6 of the Policy.

X 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 **X** No

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the Domain Name <eastway.co.uk> is an Abusive Registration.

☐ Yes **X** No

6. Other Factors

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

X Yes ☐ No

7. Comments

The Complaint is very short and provides no evidence of registered trade mark rights. As far as unregistered rights are concerned, the Complainant merely states that it has traded continuously since 2005 and wishes to make use of a shorter domain name. The Expert finds that such assertions are not enough to prove, on the balance of probabilities, that the Complainant has Rights and that such Rights are identical or similar to the Domain Name.

As far as Abusive Registration is concerned, the Complainant argues that the Respondent has over 1,500 other domain names and has registered the Domain Name with a view to resale. In this regard, the Expert would refer the Complainant to paragraph 8.4 of the Policy which provides that:

"*Trading in domain names for profit, and holding a large portfolio of domain names, are of themselves lawful activities. The Expert will review each case on its merits.*"

In this case, given that the Domain Name consists of two common descriptive English words, the Expert is not persuaded by the evidence provided that it was either registered or used to take advantage of the Complainant's Rights. Indeed, it is currently pointing to a page containing sponsored links, none of which relate to the Complainant's field of activity. Furthermore nothing in the Complaint would suggest that the Respondent is specifically targeting the Complainant.

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 June 2017