

DISPUTE RESOLUTION SERVICE

DRS 19234

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

Rainton Construction Ltd

and

Mr George Benson

1. The Parties:

Complainant: Rainton Construction Ltd
Davison House Rennys Lane
Dragonville Ind Estate
Durham, DH1 2RS
United Kingdom

Respondent: Mr George Benson
77 Lincoln Rd
Peterborough
PE1 2SH
United Kingdom

2. The Disputed Domain Name:

<raintonconstruction.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 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 Disputed Domain Name <raintonconstruction.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)

I am satisfied that the Complainant has Rights, in particular unregistered rights, in the Disputed Domain Name, as shown, *inter alia*, by the website <http://www.mglgroup.co.uk/rainton-construction/>. The Expert further finds, on balance, that given the nature of the Disputed Domain Name and the fact that it has been used by the Complainant for its construction business for a significant number of years, the Respondent was likely aware of the Complainant's Rights and registered the Disputed Domain Name to take advantage of such Rights. The fact that the Complainant appears to have allowed the Disputed Domain Name to lapse inadvertently does not mean that the Respondent has any right to register or use it, especially when the Disputed Domain Name could cause confusion amongst internet users as to its source.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with section 12 of the Policy, the Disputed Domain Name will therefore be transferred to the Complainant.

Signed: David Taylor

Dated: 9 October 2017