

# **DISPUTE RESOLUTION SERVICE**

**D00020998**

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

**Glasscare® Ltd**

and

**Mr Kevin Adams**

### **1. The Parties**

Complainant: Glasscare® Ltd  
151 High Street  
Brentwood  
Essex  
CM14 4SA  
United Kingdom

Respondent: Mr Kevin Adams  
United Kingdom

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

glasscare.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 domain name glasscare.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's complaint is short. As this is a summary decision I have not set out in full the reasons for my decision but the main points that have influenced me are set out below:

- 'glasscare' is a combination of two ordinary English words and has descriptive connotations in respect of the care of glass.
- The Complainant has a registered EU trade mark for a figurative 'Glasscare' mark. On that basis I am satisfied that the Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name.
- The Complainant has provided limited information on its business. Its web site (at sicp.co.uk) says that it was established in 1999; provides a glass claims service for motor insurers and fleets, managing all aspects of a claim; and has arrangements with every recognised and approved UK windscreen repair and replacement company. The Complainant also provides a supplier invoice control programme ("SICP") for ARG (which I presume is short for Automotive Repair Glass) companies to access standardised and authorised quotations for the ARG market. The Complainant's web site allows registered users to access SICP. The Complainant says its client base is large blue chip organisations including insurance companies. The Complainant has provided no information on the size of its business, for example its turnover, or on how it markets or advertises its services.
- I do not find there was an Abusive Registration when the Domain Name was registered on 22 December 2011. I do not consider that the Complainant has established, on the balance of probabilities, that the Respondent was aware of the Complainant and/or its Rights when the Domain Name was registered. There is no evidence, for example, that the general public would know of the Complainant or its services or of the Glasscare mark. I do not consider this is a case where the Respondent should have been aware of the Complainant and/or its Rights.

- The Domain Name is used for a parking site which advertises the Domain Name for sale. The Complainant has adduced evidence of a page on the site with indirect links for ‘Windscreen repairs’ and of a page on the site with pay-per-click advertising links for two windscreen repair and replacement companies. The timing of the Complainant’s screen shots of the web pages suggests that the indirect link leads to the further page containing the pay-per-click links.
- I have considered the two Appeal decisions in D20412 (equest.co.uk) and D19567 (forte.co.uk, forte.uk). As was stated in D19567 “*linking portfolios of domain names to parking pages in this manner is unobjectionable in itself. However the links generated on the parking page may be objectionable; whether they are objectionable is a question of fact depending on all the circumstances of the case. It will be necessary to consider the detail of the links in question and assess to what extent such links are causing or are likely to cause the complainant harm. In circumstances where it seems on the evidence that harm is being caused or is likely to be caused then a respondent may come under an obligation to change the nature or behaviour of the page or risk the domain name being found to have been used in a manner which has been unfairly detrimental to the complainant’s Rights. Similar remarks apply to the respondent deriving unfair advantage from the links because of the complainant’s Rights*”.
- The Complainant says the Domain Name is promoting its competition in the windscreen industry. However, the Complainant’s evidence does not suggest that it provides windscreen repair and replacement services nor does the Complainant explain how these type of services could compete with its claim management services. Even if I assume that actual or prospective insurance/fleet customers of the Complainant or actual or prospective users of SICP were to arrive at the parking pages by mistake I consider they would immediately realise their error and adopt another approach. I do not consider that there is ‘initial interest confusion’ given the apparent specialist nature of the Complainant’s services and the lack of information on the Complainant’s Glasscare business.
- On the available evidence I do not consider that the Complainant has lost any sales of its services as a result of the Respondent’s activities or that, for example, it has unfairly had to pay (indirectly) for pay-per-click visits to its website. In the circumstances I do not consider there is an Abusive use of the Domain Name.

## 8. Decision

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

Signed: Patricia Jones

Dated: 19 February 2019