

DISPUTE RESOLUTION SERVICE

D00021787

Decision of Independent Expert (Summary Decision)

NOCN

and

Whois Foundation

1. The Parties:

Complainant: NOCN
Acero Building
1 Concourse Way
Sheffield
South Yorkshire
S1 2BJ
United Kingdom

Respondent: Whois Foundation
Ramon Arias Avenue, Ropardi Building,
Office 3-C
Panama City
0823-03015
Panama

2. The Domain Name:

nocn.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. See Point 2 in the Comments below.

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 nocn.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)

1. Although no certificates of the registered trade marks were provided, I considered it expedient to consult the UKIPO website of EU and UK trade marks to verify the existence of the Complainant's cited registered trade marks 1, 2, 3, 4, 5, 6, 7, 8 and 13 (cited as an application but registered as of 28 June 2019). Of those, I considered only 1, 2 and 13, being word marks for NOCN.

2. I note that there is evidence that emails sent to the registered email address of the Respondent were returned undelivered. However, the documents were also sent by post. I conclude, pursuant to paragraph 3.5.1 of the Policy, that delivery can be deemed to have occurred 7 days after posting, as a result of the Royal Mail tracking information. There is no evidence that the documents sent by post have been returned undelivered more than 2 weeks after that date.

8. Decision

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

Signed: Jacqueline Reid

Dated: 30 September 2019