

DISPUTE RESOLUTION SERVICE

D00021833

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

LINK ENGINEERING AND WELDING LTD

and

Mode IT Services Limited

1. The Parties:

Complainant: LINK ENGINEERING AND WELDING LTD
LINK ENGINEERING AND WELDING LTD
Sean House Abbey Road North
Wrexham Industrial Estate
Wrexham
LL13 9RX
United Kingdom

Respondent: Mode IT Services Limited
Llyndir Lane
Rossett Business Village
Burton Rossett Wrexham
LL12 0AY
United Kingdom

2. The Domain Name:

awserviceswales.co.uk
leaw.co.uk
linkmotorsanddrives.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.

No

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain names awserviceswales.co.uk, leaw.co.uk and linkmotorsanddrives.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

7. Comments (optional)

The Complainant is required to prove that it has rights in the domain names which it seeks to have transferred. While this is a summary procedure in order to succeed a complainant must provide evidence The Complainant has failed to prove that it has any rights in the domain names <awserviceswales.co.uk>, <leaw.co.uk> or <linkmotorsanddrives.co.uk>.

The word “link” appears in both the Complainant’s name and the domain name <linkmotorsanddrives.co.uk>. and the Expert’s decision in respect of that domain name is borderline but any doubt must be exercised in favour of the Respondent. The Complaint is far too brief to allow the Expert to grant the application, which involves the Respondent’s legal rights, with confidence. More information would be required for the Complainant to succeed in that element of the application also.

The Complainant’s rights in the name or mark is a threshold issue and so in the circumstances it is not necessary for the Expert to consider the issue of Abusive Registration.

8. Decision

I refuse to grant the Complainant's application for a the disputed domain names to be transferred..

Signed:

James Bridgeman SC

Dated: 18 October 2019