

DISPUTE RESOLUTION SERVICE

D00022055

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

Which? Limited

and

PRIVACY SERVICES INC.

1. The Parties:

Complainant: Which? Limited
2 Marylebone Road
London
NW1 4DF
United Kingdom

Respondent: PRIVACY SERVICES INC.
#1 Map Street
Belize City
NRW
00000
Belize

2. The Domain Name:

willswwhich.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.

Yes

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name willswich.co.uk is an abusive registration

Yes

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

The Complainant has Rights in respect of the registered marks 'WHICH' and 'WHICH? WILLS', that are identical or similar to the Domain Name <willswich.co.uk>.

That the Domain Name, in the hands of the Respondent, is an Abusive Registration is evidenced by the fact that the Respondent published to the Complainant's members an incorrect url 'willswich.co.uk/carnvo', a variation of the Complainant's 'wills.which.co.uk' registered domain name and official url 'wills.which.co.uk/carnov'. The Respondent's incorrect url redirected the Complainant's members to a third-party site 'survey-smiles.com', a site hosting malware. The evidence shows that the Complainant had received phone calls from its members who had been redirected by the misspelt link, querying the link.

The Panel finds that the Domain Name is an Abusive Registration, registered or acquired by the Respondent for the purpose of misdirecting its members and unfairly disrupting the business of the Complainant.

Additional evidence showing that the Domain Name was offered for sale on the Sedo website for a price 'not less than \$899', coupled with the Respondent's use of a privacy service located in Belize to shield the Respondent's identity, supports a finding of Abusive Registration, which the Respondent has not sought to refute.

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: David Kreider

Dated: 26 December 2019