

DISPUTE RESOLUTION SERVICE

D00022097

Decision of Independent Expert (Summary Decision)

Virgin Enterprises Limited

and

Richard Scott

1. The Parties:

Complainant: Virgin Enterprises Limited
Virgin Enterprises Limited
The Battleship Building
179 Harrow Road
London
W2 6NB
United Kingdom

Respondent: Richard Scott
1323 Columbus Ave
San Francisco
California
94133
United States

2. The Domain Name:

virginatlanticair.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 virginatlanticair.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 has relevant rights including trade mark registrations for the mark VIRGIN ATLANTIC. That mark is similar to the Domain name since the Domain Name comprises the mark followed only by the word "air", which word is in these circumstances non-distinctive.

8 I accept the Complainant's submission (unchallenged by the Respondent and supported by evidence) that the Domain Name is used in such manner eg the display of the Complainant's trade marks, the display of an image of Richard Branson (the well-known founder of the Complainant), the display of images of the Complainant's planes, text copied from the Complainant's website and references to the Complainant's business, that people or businesses would likely to be confused into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant. In accordance with paragraph 5.1.2 of the DRS Policy such use is evidence of an Abusive Registration.

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:

Dated: 22 January 2020