

DISPUTE RESOLUTION SERVICE

D00022357

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

Studio A LLC d/b/a Blackpool Records

and

AS

1. The Parties:

Complainant: Studio A LLC d/b/a Blackpool Records
2807 Waterfall Way
Westlake
Cuyahoga
44145
United States

Respondent: AS
1553 2nd Avenue
Unit 4
Los Angeles
California
90019
United States

2. The Domain Name:

blackpoolrecords.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 blackpoolrecords.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 Domain was registered in March 2017, prior to the registration of the US and UK trade marks relied upon. Those trade marks are not registered in the name of the complainant. The Facebook page referred to was set up in 2015 and I note the registration of the name as a trade name in Ohio in 2005, but not in the name of the Complainant. Prior to the date of expiry of the domain on 31/3/20, the evidence showed that the domain was offered for sale but not at an excessive price. Further, there is insufficient evidence that the Complainant had a reputation in the name in March 2017, which would support the allegation that the domain was an abusive registration at the date of its registration.

8. Decision

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

Signed: JACQUELINE REID

Dated: 21/4/20