

DISPUTE RESOLUTION SERVICE

D00022420

Decision of Independent Expert (Summary Decision)

Steps2Quality Ltd

and

Caroline Phansi

1. The Parties:

Complainant: Steps2Quality Ltd
6th Floor, Amp House
Dingwall Road
Croydon
London
cr0 2lx
United Kingdom

Respondent: Caroline Phansi
Centre Court, 1301 Stratford Road
Hall Green
Birmingham
West Midlands
B28 9HH
United Kingdom

2. The Domain Name:

steps2quality.co.uk (“the Domain Name”)

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 steps2quality.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)

Refiled case: The Complainant's submissions indicate that this is a refiled case, originally filed as case no. D00022257. The Expert is nevertheless able to deal with the present case in light of the fact that the previous case did not proceed to a Decision (see section 21 of the DRS Policy) and, according to the Complainant, failed when it timed out before the Complainant was able to pay the requisite fee.

Rights: The test for Rights is a relatively low threshold test. The Complainant provided limited direct submissions and little evidence on the question of its rights in a name or mark corresponding to the Domain Name. However, the Expert finds that the Complainant has been able clear the threshold, albeit barely, based on the following:-

(i) the Complainant notes that it incorporated a limited company on 5 October 2018 by the same name as the second level of the Domain Name (note, this does not in and of itself give rise to Rights – see section 1.7 of the Expert Overview version 3). The Expert conducted a simple online enquiry of a publicly available database, the UK Companies House website, to verify the Complainant's assertion (see section 5.10 of the Expert Overview version 3);

(ii) the Complainant has demonstrated that it made clear preparations to use said name in trade by way of an instruction to the Respondent create a corresponding website and the generation of detailed website copy (provided to the Expert) describing the business which would trade under such name, including information on services and pricing;

(iii) the Complainant notes that its two “business email addresses”, each using the Domain Name, have been deactivated. This suggests that at least some business use was made of the Domain Name by way of email prior to such deactivation; and

(iv) the Complainant notes that it began to have problems with the website associated with the Domain Name between March and December 2019, thus indicating that its business was online and publicly trading under the name concerned over at least this period.

The Expert is therefore satisfied on the balance of probabilities that the Complainant has used the name or mark in question for a not insignificant period and to a not insignificant degree and that it is likely to be recognised by the purchasing trade/public as indicating the goods or services of the Complainant (see section 2.2 of the Expert Overview version 3).

Abusive Registration: The Expert is satisfied that the Complainant has made out a case in accordance with section 5.1.5 of the Policy based upon the Complainant’s unchallenged submissions and evidence of a paid invoice from the Respondent’s business covering the Domain Name. No defence has been offered to that case in

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:

Dated: 16 April, 2020

Andrew D S Lothian