

## **DISPUTE RESOLUTION SERVICE**

**D00023141**

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

Dr Nicholas Belcher

and

Lathyrus Ltd

**1. The Parties:**

Complainant: Dr Nicholas Belcher  
[Address redacted]  
United Kingdom

Respondent: Lathyrus Ltd  
2 Victoria Villa  
Hooe  
Battle  
E Sussex  
TN33 9EU  
United Kingdom

**2. The Domain Name:**

nickbelcher.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 nickbelcher.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 established to the Expert's satisfaction that he has Rights, within the meaning of the Policy, in his personal name, by virtue of having traded as a musician under such name from at least 2013 to 2017. The Complainant thus has unregistered trade mark rights in such name, which is the subject of an enforceable right (see para. 1.8 of the Expert Overview version 3). The Domain Name is identical in the third level to the version of the Complainant's personal name under which he has traded (other than the absence of white space which is not technically permissible in a Domain Name).

The Complainant has established to the Expert's satisfaction that the Domain Name is an Abusive Registration in terms of section 5.1.5 of the Policy, in that there is evidence that the Domain Name was registered as the result of a relationship between the Parties and the Complainant has used the Domain Name registration exclusively and paid for the same.

## **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: 11 December, 2020

**Andrew D S Lothian**