

DISPUTE RESOLUTION SERVICE

D00010347

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

VKR Holding A/S

and

Mr Peter Butler

1. The Parties:

Lead Complainant: VKR Holding A/S
VKR Holding A/S, Breettevej 18
Hørsholm
2970
Denmark

Respondent: Mr Peter Butler
5 Shortfield Way
Upton
Wirral
CH49 9BB
United Kingdom

2. The Domain Name:

veluxfitter.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 paragraphs 2 and 4 of the Procedure.

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 veluxfitter.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)

It is common ground that the Respondent supplies and fits the trade mark owner's genuine goods. However, the evidence shows that some of the products offered by the Respondent are roof windows made by another manufacturer. In the absence of submissions from the Respondent about the extent of any competitor's products being offered, the Expert is of the view that the use of the Domain Name to offer competing products takes unfair advantage of the Complainant's rights and therefore renders the Domain Name an Abusive Registration.

8. Decision

Transfer	<input checked="" type="checkbox"/>	No action	<input type="checkbox"/>
Cancellation	<input type="checkbox"/>	Suspension	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>		

Signed: Andrew Clinton

Dated: 16 December 2011