

DISPUTE RESOLUTION SERVICE

D00012007

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

Compass Group Nederland B.V

and

TagNames Limited

1. The Parties:

Lead Complainant: Compass Group Nederland B.V
Laarderhoogtweg 11
1101 DZ Amsterdam
P.O. Box 22875
Amsterdam
1100 DJ
Netherlands

Respondent: TagNames Limited
7 The Willows
Great Chesterford
Essex
CB10 1QL
United Kingdom

2. The Domain Name(s):

eurest.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 eurest.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 demonstrated Rights in a name which is identical or similar to the Domain Name.

But the Complainant has **not** established its case on Abusive Registration.

The Expert accepts that the Respondent deals in domain names. There is however nothing inherently abusive in such conduct in itself. The Complainant has not suggested that the Respondent has tried to sell the Domain Name to the Complainant. Nor is there evidence of a pattern of Abusive Registrations. (The Complainant's reference to an earlier finding against the Respondent in DRS decision 04889, Wise Insurance Services v Tagnames Limited, is incorrect. The Appeal Panel in that matter decided that no action was to be taken in respect of the domain name.) There is also no evidence that the Domain Name has been put to active use by the Respondent.

8. Decision

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

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Signed: Sallie Spilsbury

Dated: 25 January 2013