DISPUTE RESOLUTION SERVICE

D00012195

Decision of Independent Expert
(Summary Decision)

Electrolux AB

and

Hartnoll

1. The Parties

Complainant: Electrolux AB
Sankt Göransgatan 143
Stockholm
Stockholm
112 17
Sweden

Respondent: Hartnoll
Unit 15 The Empire Centre
Watford
WD24 4YH
United Kingdom

2. The Domain Name

electroluxcleaningproducts.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 electroluxcleaningproducts.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

The appeal panel in *Toshiba Corporation v Power Battery Inc* (DRS 07991) analysed the principles to be applied when assessing the legitimacy of a reseller's incorporation, within a domain name, of the trademark owner's mark. I agree that analysis. The key factors relevant here seem to me to be that

(i) the registration does not falsely imply a commercial connection with Electrolux: the domain name simply describes the products on offer through the website

(ii) the likelihood of 'initial interest confusion' is low

(iii) the website sells only Electrolux products and there is no suggestion that these are other than genuine. (The complaint says:

> The Respondent is today not using the Domain Name in connection with a bona fide offering of goods or services. The Domain Name is currently connected to a web site

> offering Electrolux products for sale. By doing this, the Respondent is misleading Internet users to a commercial web site and consequently, the Respondent is tarnishing the trademark ELECTROLUX.

This is a confused passage, but I take it to mean that what is available through the website at the domain name is in fact a bona fide offering of Electrolux products - even though the Complainant believes it is not legitimate to attract customers for those products using the domain name at issue.)

8. Decision

I refuse the Complainant's application for a summary decision. The Domain Name registration will therefore remain undisturbed.

Mark de Brunner 31 December 2012