

DISPUTE RESOLUTION SERVICE

D00013407

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

Marylebone Dental Practice Ltd

and

Dental Design Limited

1. The Parties:

Lead Complainant: Marylebone Dental Practice Ltd
61 Paddington St
London
W1U 4JD
United Kingdom

Respondent: Dental Design Limited
81 Bow Street
Langport
Somerset
TA10 9PQ
United Kingdom

2. The Domain Name(s):

marylebone-dental.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

Please see comments below.

5. Abusive Registration

The complainant has, to my reasonable satisfaction, shown that the domain name <marylebone-dental.co.uk> is an Abusive Registration

Yes No

Please see comments below.

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 Expert is of the opinion that this case is far too complex for a summary decision which is intended for straightforward cases of cybersquatting in which the Respondent has failed to respond. However, this case does not fall within that category. It appears that the registered owner of the Domain Name, the Respondent, registered it on behalf of a third party who appears to have been using the Domain Name exclusively and paid for the registration of the Domain Name. However, although this third party has expressed an interest in participating in this proceeding, it is unable to do so. This raises complex issues and so the Expert does not consider that a summary decision would be appropriate in these circumstances.

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"/>		

Signed: David Taylor

Dated: 19 March 2014