

DISPUTE RESOLUTION SERVICE

D00015777

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

Lafarge Tarmac Trading Limited
and
Bluezon Limited

1. The Parties

Complainant: Lafarge Tarmac Trading Limited
c/o Freeths LLP
6 Bennetts Hill
Birmingham
West Midlands
B2 5ST
United Kingdom

Respondent: Bluezon Limited
Miller Tarmac
Portland House
Belmont Business Park
Belmont
Durham
DH1 1TW
United Kingdom

2. The Domain Name

millertarmac.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 millertarmac.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

Nominet sent the complaint to the Respondent. Nominet also sent the complaint to the contact e-mail address given on the web site at the Domain Name in accordance with paragraph 2a.ii.B of the Procedure. Thereafter the following chronology is relevant:

- On 13 April 2015 the Respondent e-mailed Nominet in response to service of the complaint to say that it no longer had control of the Domain Name and that the company who now owns it should have updated the details.
- On 14 April 2015 Nominet responded that to transfer a .uk domain name both parties need to complete an online registrant transfer process, the Domain Name remained registered to the Respondent and that a formal response could only be accepted from the Respondent as the current legal registrant, unless it appointed a representative to file a response on its behalf.
- On 1 May 2015 a response reminder notice was e-mailed to the Respondent and to the contact e-mail address given on the web site at the Domain Name.
- On 1 May 2015 Mr George Miller responded to this reminder as follows:
“I was on the phone to someone from this company a few weeks ago, it's all in hand but thank you for the notice.”
- On 5 May 2015 Nominet asked Mr Miller for contact details of his solicitor, said this information would be added to the case file and the solicitor would have access to the account in order to submit a response.
- On 6 May 2015 a no response received notice was e-mailed to the contact e-mail address given on the web site at the Domain Name and copied to the Respondent.
- Also on 6 May 2015 Mr Miller provided Nominet with the contact details of the solicitor, Mr Lamb. On the same day Nominet notified Mr Miller that as no response had been received by the deadline of 5 May 2015 the case had progressed to the next stage and Nominet would contact the Complainant to ask if it would have any objection to accepting a late response. On 6 May 2015 Nominet contacted the Complainant’s representative regarding an extension of time to submit a response.
- On 12 May 2015 Nominet e-mailed Mr Miller and Mr Lamb to let them know that the Complainant had refused the request for an extension of time for a response. Nominet gave them information on how to make a non-standard submission under paragraph 13 of the Procedure.
- Also on 12 May 2015 Mr Miller was notified by Nominet (copied to Mr Lamb) that Mr Lamb’s details had been added to the case and that Mr Lamb would receive a separate email to allow him to create a password so that he could log into the online service account and view the case papers.
- On 14 May 2015 Nominet e-mailed Mr Lamb the Expert Appointment Notice. On the same day Mr Lamb responded enquiring “What is this for, who is my client?”

and Nominet replied informing him that Mr Miller had advised Nominet that Mr Lamb would be acting on Mr Miller's behalf.

From the above I consider that the Respondent and the business, Miller Tarmac, which uses the Domain Name for its web site and which Mr Miller is connected to, have been given the opportunity to respond to the complaint and have chosen not to do so.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with paragraph 5f of the Procedure, the domain name will therefore be transferred to the Complainant.

Patricia Jones

1 June 2015