



DISPUTE RESOLUTION SERVICE

D00018586

Decision of Independent Expert (Summary Decision)

Bailiff Help Forum

and

Identity Protect Limited

1. The Parties:

Complainant: Bailiff Help Forum
Heathlands
Weston Green
Thames Ditton
Surrey
KT7 0JZ
United Kingdom

Respondent: Identity Protect Limited
PO Box 795
Godalming
Surrey
GU7 9GA
United Kingdom

2. The Domain Name:

bailiffhelpforumarewrongagain.co.uk (the Disputed Domain)

3. Notification of Complaint

I hereby certify that I am satisfied that Nominet has sent the complaint to the Respondent in accordance with section 3 and 6 of the Policy.

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 bailiffhelpforumarewongagain.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 failed to assert any rights of any kind or to provide evidence which might suggest that he has rights to the term bailiffhelpforum.co.uk. This claim must therefore fail. Even without this difficulty, it is hard to see how the domain bailiffhelpforumarewongagain.co.uk is an Abusive Registration. The domain is used to host a site critical of the complainant's activities on bailiffhelpforum.co.uk. Its name makes that clear. In the light of the guidance given in section 4.8 of the Experts' Overview, it seems to me that the modifier added to the complainant's domain name leaves the public in no doubt as to the nature of the Disputed Domain and it is not appropriate within the confines of a summary DRS decision to attempt to determine (particularly with the assistance of no evidence from the complainant or evidence or submissions from the respondent) whether the criticism which is made of the complainant's site is legitimate or reasonable.

In reaching this conclusion I make no comment on the legitimacy of the registration of the domain bailiffhelpforums.co.uk which is referred to in the complaint in this case but which is not the subject of the complaint.

8. Decision

I refuse the Complainant's application for a summary decision. The domain name registration will therefore remain with the Respondent.

Signed:

Dated: 5 April 2017