

DISPUTE RESOLUTION SERVICE

D00019800

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

Pegasus Roofing Ltd

and

Mr JB Henstridge

1. The Parties:

Complainant: Pegasus Roofing Ltd
Pegasus Roofing Ltd
308 High Street
Croydon
Surrey
CR0 1NG
United Kingdom

Respondent: Mr JB Henstridge
Unknown
Durrington
Wiltshire
SP48EA
United Kingdom

2. The Domain Name:

pegasusroofing.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 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 pegasusroofing.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)

This case involves a domain name that was used by a client of Yell Limited. According to the Complaint, due to a "Yell internal error" the domain name was allowed to expire. It was then acquired by some other person for a website used to offer for sale women's clothing.

These proceedings were then commenced by Yell Limited in the name of the Complainant. That of itself is not necessarily problematic. There is nothing in the Policy that specifies who may or who may not act as a representative in DRS proceedings

However, the form of the Complaint was unusual in that it contained an express request that Pegasus Roofing Limited not be contacted. This and the fact that it appeared that Yell Limited had brought these proceedings to remedy its own error, meant that I considered it prudent to obtain confirmation from Pegasus Roofing Limited that it had actually authorised the commencement of these proceedings.

Accordingly, and at my request, on 21 March 2018 and 9 April 2018 Nominet sent a request to Yell Limited that it provide written confirmation from the Complainant that it had authorised Yell Limited to commence these proceedings and that the Complainant had seen and approved the contents of the Complaint.

The confirmation was forthcoming in the form of an email from the Complainant of 10 April 2018, which was forwarded to Nominet on the same date. Given this, I see no good reason why a summary decision should not be made in favour of the Complainant in this case.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with section 12 of the Policy, the domain name will therefore be transferred to the Complainant.

Signed: Matthew Harris

Dated: 12 April 2018