

UNSIGNED



NOMINET

DISPUTE RESOLUTION SERVICE

D00020337

Decision of Independent Expert

(Summary Decision)

No1 Home Ltd

and

Mr ian buckingham

1. The Parties:

Complainant: No1 Home Ltd
12 Haviland Road,
Ferndown Industrial Estate
Wimborne
Dorset
BH21 7RG
United Kingdom

Respondent: Mr ian buckingham
Flat 2
Bournemouth
Bournemouth
BH5 1EU
United Kingdom

2. The Domain Name:

no1home.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 no1home.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)

See Appendix to this Complaint.

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.

~~or~~

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

~~(Please delete as appropriate)~~

Signed:

G GRASSIE

Dated:

25/7/18

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Appendix to the Decision of the Independent Expert

As I have decided not to grant transfer by way of Summary Decision here I have set out my findings below in brief in case there is an appeal against this decision.

The Complainant has provided very little or no evidence to establish that it has Rights under the Policy. It merely refers to its website at the Domain Name and produces a screenshot of it. It also refers to its registration as a limited company at Companies House. There is no evidence provided of relevant registered trademarks. The website states that it is copyright 2017 and that the Complainant is a trading name of GGHC Ltd. Companies House website confirms it was registered as a limited company in October 2015 but only changed its name from Simply Carpet Cleaning Ltd to its current one No1 Home Ltd on 7 December 2017. Thus it appears it has only been trading using the name No1 Home Ltd and the Domain Name for a short period of time. The name No1 Home Ltd is also fairly descriptive. These factors tend to militate against the existence of any unregistered rights.

The Experts' Overview version 2 published in November 2013 at paragraph 2.2 deals with what evidence a Complainant must produce to show that it has sufficient Rights. It states that, "bare assertions will rarely suffice". Also as the Expert's Overview suggests I would require to see some evidence of use of the mark or name alleged to constitute Rights over a not insignificant period and to a not insignificant degree. Furthermore, I would need to see evidence of how the name or mark is recognised by the trade or public as referring to the Complainant's services in particular. Although the threshold for establishing Rights under the Policy is accepted by most Experts as fairly low, I do not consider that in this case the relevant test has been met.

There being no Rights, it is not possible to find an Abusive Registration.