

DISPUTE RESOLUTION SERVICE

D00022759

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

Mr Dean Sims

and

Graham Arden

1. The Parties:

Complainant: Mr Dean Sims
Kingsbridge
Devon
United Kingdom

Respondent: Graham Arden
Bracknell
United Kingdom

2. The Domain Name:

tomtobrook.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 tomtobrook.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)

In this case I am satisfied that the Complainant has rights in the name Tom Tobrook, which is an exact match for the Domain Name in question, and that this name will have some reputation as the pen name of the Complainant. The Respondent has not provided any justification for having registered the Domain Name, therefore the Complainant's application is successful, in accordance with paragraph 5.1.6 of the Dispute Resolution Service policy.

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: Nial Vivian

Dated: 30/07/2020