

DISPUTE RESOLUTION SERVICE

DRS 6372

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

Deutsche Telekom AG

and

James Warwick

1. The Parties:

Complainant: Deutsche Telekom AG
Address: c/o Lovells LLP
Holborn Viaduct
London

Postcode
Country: Germany

Respondent: James Warwick
Address: Trinity Wharf
52-58 High Street
Hull

Postcode: HU1 1QE
Country: UK

2. The Domain Name(s):

t-mobile-flext.co.uk

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 [enter domain name(s)] 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 respondent has clearly registered the Domain name in the knowledge of the complainant's rights (it is used to host a page containing reference to the respondent's Flex tariff) and it is being used to damage the complainant by diverting business from the complainant.

8. Decision

The Domain be transferred to the complainant.

Signed:

Dated: 26 November 2008