

DISPUTE RESOLUTION SERVICE

DRS 9052

Decision of Independent Expert

(Summary Decision)

QSoft Consulting Ltd.

and

Brett Kelly

1. The Parties:

Complainant: QSoft Consulting Ltd.

Address: 6th Floor, Queen's House
2 Holly Road
Twickenham
Middlesex

Postcode: TW1 4EG

Country: UK

Respondent: Brett Kelly

Address: Care of Network Solutions, PO Box
Herndon
VA

Postcode: 20172

Country: USA

2. The Domain Names:

<gaydaescort.co.uk>, <gaydaescorts.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 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 names.

Yes No

5. Abusive Registration

The complainant has, to my reasonable satisfaction, shown that each of the Domain names gaydarescort.co.uk and gaydarescorts.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

The respondent's use of a different domain (about which I make no findings) does not in itself justify my drawing a clear enough inference about his intentions to found a prima facie case that registering the domain names was abusive. The complainant has provided no evidence that the domain names have been used abusively since then.

8. Decision

The complaint is dismissed. No action is required.

Signed Carl Gardner

Dated 22 November 2010