

DISPUTE RESOLUTION SERVICE

D00009484

D00009529

Decision of Independent Expert

VKR Holding A/S

and

**Vincent Hewitt
t/a veluxsolutions and/or Loft Solutions**

1. The Parties

Complainant:	VKR Holding A/S
Address:	Breeltevej 18 Hørsholm 2970
Country:	Denmark
Respondent:	Vincent Hewitt t/a veluxsolutions and/or Loft Solutions
Address:	65 Arundel Drive Fareham Hants
Postcode:	PO16 7NY
Country	United Kingdom

2. The Domain Name(s)

DRS 9482:	velux-solutions.co.uk veluxsolutions.co.uk
DRS 9529	veluxsolarpanels.co.uk veluxsolar.co.uk

together the “**Domain Names**”

3. Procedural History

DRS 9482:

28 January 2011	Dispute received
31 January 2011	Complaint validated and notification sent to parties
9 February 2011	Response received and notification sent to parties
16 February 2011	Reply received
22 February 2011	Notification of reply sent to parties
22 February 2011	Mediator appointed
25 February 2011	Mediation started
18 May 2011	Mediation failed
17 June 2011	Steve Ormand appointed as Expert

DRS 9529:

28 January 2011	Dispute received
31 January 2011	Complaint validated and notification sent to parties
9 February 2011	Response received and notification sent to parties
18 February 2011	No reply received
18 February 2011	Mediator appointed
23 February 2011	Mediation started
10 May 2011	Mediation failed
17 June 2011	Steve Ormand appointed as Expert

The Domain Names in DRS 9482 are registered to Mathew Gooch. Vincent Hewitt responded to the Complaint and confirmed in his Response that Mr Gooch is his website designer and that these Domain Names were registered by Mr Gooch on behalf of Mr Hewitt.

The Domain Names in DRS 9529 are registered to veluxsolutions. Mr Hewitt also responded to this Complaint and stated in his Response that he registered these Domain Names.

Accordingly, Vincent Hewitt is named as the Respondent in this decision.

The Complainant requested, and Nominet agreed, that both disputes be consolidated for determination by one expert pursuant to §12(c) of the Procedure.

Definitions used in this decision have the same meaning as set out in the Nominet UK Dispute Resolution Service Policy Version 3, July 2008 (the “Policy”) and/or the Nominet UK Dispute Resolution Service Procedure Version 3, July 2008 (the “Procedure”) unless the context or use indicates otherwise.

4. Factual Background

The Complainant is a company incorporated under the laws of Denmark and is the owner of the VELUX Group, a worldwide manufacturer of roof windows and accessories, and the VELUX trade mark.

The Complainant has since 1941 carried on business as a designer, manufacturer and importer into the United Kingdom of its VELUX roof windows and other products. The Complainant has a presence in some 40 countries throughout the world, and sells in approximately 90 countries.

The Complainant's primary business is in roof windows and blinds. The Complainant also provides solar energy solutions including solar panels.

The Complainant has registered UK trade marks dating from 1951, and around 400 other trade marks around the world, which include or incorporate the name VELUX.

The Respondent sells and installs VELUX roof windows, ancillary products and spares. The Respondent owns and operates a website at loftsolutions.co.uk and appears to trade as Loft Solutions. The Respondent also appears to trade as, or has traded as, and/or uses the name [veluxsolutions](http://veluxsolutions.com) in operating his business.

The Domain Names were registered to or on behalf of the Respondent as follows:

velux-solutions.co.uk	12 July 2006
veluxsolutions.co.uk	12 July 2006
veluxsolarpanels.co.uk	25 April 2007
veluxsolar.co.uk	25 April 2007

5. Parties' Contentions

The Complaint

The Complainant contends that it has Rights in the name VELUX because:

1. The Complainant is the owner of around 400 trade mark registrations including or incorporating VELUX throughout the world, including many which are enforceable under English law including:
 - a. UK trade mark no. A691115 for the word VELUX (registered 2 May 1951);
 - b. Community registered trade mark 955609 for the word VELUX (registered 31 March 2000).
2. VELUX trade marks are registered for installation services in class 37 (for example: A132374, CTM 6515869, 005260229).
3. The Complainant is the owner of the following domain names which incorporate the VELUX trade mark:
 - a. veluxblindsdirect.co.uk
 - b. velux-blinds.co.uk
 - c. velux.com
 - d. veluxwindowblinds.co.uk
 - e. velux.co.uk
 - f. veluxblindsuk.co.uk
4. The Complainant sells goods directly to end users and also supplies retail customers. The Complainant uses its websites to conduct its business and has done so for many years. The Complainant has used the domain name "velux.com" in this way since its registration on 19 April 1999.
5. The Complainant's rights also extend to common law rights enforceable under English law and many other countries in the world. For many years the products of the Complainant have been advertised and sold in the United Kingdom on an extensive scale. As a result of the scale of the use and advertising of the Complainant's trade marks they have become household names and are recognised by a substantial proportion of the population of the United Kingdom as indicating the Complainant's companies or goods connected in the course of trade with the Complainant.

6. The Complainant promotes its name and reputation through sponsorship of events such as the VELUX 5 Oceans Race, a round-the-world single-handed yacht race.
7. Based on the above-mentioned activities, the Complainant has established an extensive and valuable public reputation and goodwill in the Complainant's trade marks which, in appropriate cases, would entitle the Complainant to commence passing off proceedings in England. The resultant reputation and goodwill extends beyond the range of goods on which the Complainant has used its trade marks and encompasses any goods and/or services which might be reasonably produced by the Complainant.

In relation to the Domain Names veluxsolutions.co.uk and velux-solutions.co.uk, the Complainant contends that the Respondent's registration and use of these Domain Names are Abusive Registrations because:

1. These Domain Names were registered or otherwise acquired in a manner which, at the time the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights. Further, or in the alternative, these Domain Names have been used in a manner which took unfair advantage of or was unfairly detrimental to the Complainant's Rights (§1 of the Policy).
2. These Domain Names were registered on 12 July 2006 without the Complainant's knowledge or permission.
3. The Respondent is using these Domain Names to promote the Respondent's own business, which trades as "veluxsolutions" and/or "Loft Solutions".
4. The Complainant strongly objects to the Respondent trading under the name "veluxsolutions". The Respondent is not an authorised dealer of the Complainant's VELUX products. The Respondent's business includes the sale and installation of the Complainant's VELUX roof windows. Neither the registrant of these Domain Names nor the Respondent is in any way affiliated with the Complainant.
5. The Complainant believes that the Complainant's Rights were well-known to the Respondent long before the registration of these Domain Names and that the Respondent was well aware of those Rights at the time of registration of each of them, especially given the nature of the Respondent's business.
6. The Respondent was first notified of the Complainant's objections to the Respondent's use of these Domain Names by a letter dated 9 September 2007.
7. The Respondent did not respond to that letter prompting the Complainant to send a reminder on 6 November 2007 informing the Respondent that his use constituted passing off. A second reminder was sent on 22 November 2007.
8. As the Respondent had not reacted to any of its letters, the Complainant subsequently handed the matter over to its solicitor, who wrote to the Respondent on 9 January 2008.
9. Further letters were sent to the Respondent on 4 February 2009 by the Complainant and on 28 July 2009 by the Complainant's trade mark attorney.
10. The Respondent finally replied on 14 September 2009, refusing to transfer these Domain Names and claiming that he had "...permission from the Complainant's area manager to use this domain name...". The Complainant denies that such permission was ever given.
11. On 16 September 2010 the Complainant's UK subsidiary wrote a final letter to the Respondent re-stating the Complainant's position and requesting transfer of these Domain Names. No reply to this letter was received.
12. Although the Complainant's letter of 16 September 2010 refers to a Domain Name User Authorisation Agreement ("DNUAA") between the Respondent and the Complainant having been terminated, this is not correct and was included in that letter as a result of an administrative error. The Complainant has checked its

- records and confirms that no DNAAA was ever entered into between it and the Respondent. As such, the Respondent was never authorised by the Complainant in any way to use these Domain Names or any of them.
13. The Respondent's registration and use of these Domain Names takes unfair advantage of and is unfairly detrimental to the Complainant's Rights. This is demonstrated by the following:
 - a. The Respondent is using these Domain Names to capture part of the Complainant's natural internet traffic, in an effort to boost his own business. This takes unfair advantage of the Complainant's rights in its famous VELUX brand, which forms an essential part of both of these Domain Names;
 - b. It is foreseeable that the diversion of the Complainant's natural internet traffic to the Respondent's websites will result in a reduction in traffic to the Complainant's websites, which could in turn result in lost sales. The Respondent is not an authorised dealer of the Complainant's VELUX products and his business is in no way affiliated with the Complainant. Further, the Respondent's use of these Domain Names is likely to erode the distinctiveness of the Complainant's Rights and the capacity of those Rights to distinguish the Complainant and its goods and services. Accordingly, the use of these Domain Names in this way is detrimental to the Complainant's Rights;
 - c. Both of these effects are accentuated by the confusing similarities between the websites to which these Domain Names resolve (being the websites of the Respondent's business) and the Complainant's websites.
 14. The Respondent's use of the Complainant's VELUX trade mark and name as part of these Domain Names incorrectly suggests that these Domain Names (and the website to which they resolve) are operated by the Complainant or that there is a connection between the Respondent's business and the Complainant. This is likely to confuse people or businesses into believing that the Domain Names are registered to, operated or authorised by, or otherwise connected with the Complainant.
 15. The distinctive element of these Domain Names is the Complainant's well-known VELUX trade mark and name. The generic suffixes "-solutions" (velux-solutions.co.uk) and "solutions" (veluxsolutions.co.uk) do not distinguish these Domain Names from the Complainant's mark (see p.5 of the decision in DRS 06973 (VKR Holding A/S –v- Sardara Bains)). Additionally, the Respondent's logo is confusingly similar to the Complainant's well known VELUX logo and trade mark because it uses the same font and white/red colour combination.
 16. The Respondent appears to primarily trade under the name "Loft Solutions" and also owns the domain "loftsolutions.co.uk". It is noteworthy that this other domain leads to another website which is almost identical to the website to which these Domain Names resolve, except that the logo used is different.
 17. In other words, the Respondent is operating two separate but virtually identical websites in relation to a single business. "www.loftsolutions.co.uk" uses a domain name and logo which are not connected with the Complainant's rights, while these Domain Names incorporate the word VELUX and lead to a website which uses a logo similar to the VELUX logo. The only purpose of these Domain Names is therefore to capture a portion of the Complainant's natural internet traffic and generate additional sales for the Respondent's business by causing confusion among web users and taking unfair advantage of the Complainant's rights.
 18. Additionally, there is notable similarity in the overall appearance of the front page of the websites to which these Domain Names resolve and the Complainant's website, due to the use of the same red/white/grey colour scheme. This is likely to further confuse people or businesses into believing that these Domain Names are registered to, operated or authorised by, or otherwise connected with the Complainant.

19. The Respondent has no defence to the Complaint.
20. The Respondent is not commonly known by these Domain Names or legitimately connected with a mark that is identical or similar to these Domain Names. The name "Loft Solutions" is mentioned in various places on the website to which these Domain Names resolve.
21. The incorporation of the VELUX trade mark and name into these Domain Names is superfluous and abusive, its purpose being to take unfair advantage of the Complainant's rights to boost the Respondent's own business as described above.
22. The Respondent has not made legitimate non-commercial or fair use of these Domain Names. These Domain Names are clearly being used commercially as part of the Respondent's business. The hijacking by the Respondent of the Complainant's VELUX brand to promote the Respondent's own business cannot be considered fair use. These Domain Names are not being used in tribute or in criticism of a person or business.
23. These Domain Names are not generic or descriptive and the Respondent is not making fair use of them. VELUX is a "made-up" word created by the Complainant and it is distinctive of the line of products it is used for and not in any way descriptive (see DRS 06973). As has been shown above, the Complainant has substantial rights and goodwill in its VELUX brand.

In relation to the Domain Names veluxsolar.co.uk and veluxsolarpanels.co.uk, the Complainant contends that the Respondent's registration and use of these Domain Names are Abusive Registrations because:

1. The Respondent is using or threatening to use the Domain Names in a way which has confused or is likely to confuse people or businesses into believing that the Domain Names are registered to, operated or authorised by, or otherwise connected with the Complainant (§3(a)(ii) of the Policy).
2. The Respondent is "veluxsolutions". The Complainant understands this to be a trading name as the type of entity is not specified in the WHOIS details. For the avoidance of doubt, the Respondent has not been authorised by the Complainant to trade under the name "veluxsolutions" (or any similar name) and the Complainant strongly objects to the Respondent trading under that name.
3. These Domain Names were registered by the Respondent on 25 April 2007 without the Complainant's knowledge or permission. Both of these Domain Names incorporate the Complainant's well known VELUX trade mark and name.
4. The Respondent is not commonly known by these Domain Names or legitimately connected with a mark that is identical or similar to these Domain Names. The incorporation of the VELUX trade mark and name into these Domain Names is superfluous and abusive, its purpose being to take unfair advantage of the Complainant's rights to boost the Respondent's own business as described above.
5. The Respondent has not made legitimate non-commercial or fair use of these Domain Names. Both of these Domain Names are currently inactive. However, based on the Respondent's past and current use of veluxsolutions.co.uk and veluxsolutions.co.uk and the evidence submitted by the Complainant in that regard, the Complainant believes that the Respondent is threatening to use these Domain Names in a similar fashion – i.e. in a way which is likely to confuse people or businesses into believing that these Domain Names are registered to, operated or authorised by, or otherwise connected with the Complainant.
6. The Complainant can see no legitimate reason for the Respondent acquiring these Domain Names.
7. These Domain Names are not generic or descriptive and the Respondent is not making fair use of them. VELUX is a "made-up" word created by the Complainant and it is distinctive of the line of products it is used for and not in any way descriptive (see Nominet Decision DRS 06973). As has been shown above, the Complainant has substantial rights and goodwill in its VELUX brand.

The Response

The Respondent contends that its registration and use of the Domain Names are not Abusive Registrations because:

1. The Respondent registered veluxsolarpanels.co.uk and veluxsolar.co.uk for the sole use of advertising the Velux brand on them. The domains have never been used with a website, re-directed to a website or been made available for sale to the Complainant or any of its competitors for any profit.
2. Regarding velux-solutions.co.uk and veluxsolutions.co.uk, on the Respondent's instruction Mathew Gooch, his website designer, registered these Domain Names on his behalf. The Respondent paid for the registration and these Domain Names should have been transferred to him, which can be done after the dispute.
3. Over four and half years ago, the Respondent started a website selling all Velux products and offering an installation service. The Respondent contacted the Complainant's area manager and explained that he wanted to use the Domain Name veluxsolutions.co.uk. After consulting senior management, the Complainant said they were happy for him to use this Domain Name and that they were issuing to him a DNUAA. The Complainant also gave him a disc with the trademark Velux and Velux images to use on the website.
4. The Respondent's agreement with the Complainant was for him to only sell or promote products manufactured by the Complainant and not to be linked to any of the Complainant's competitors or promote its competitors on the website.
5. In the past year the Respondent has had an email from the Complainant asking him to make changes to the homepage, which he did. The Complainant also asked him to transfer the Domain Name¹. The Respondent was not exactly sure why the Complainant would want the changes made and the domain transferred as this is contradictory. The Respondent made the changes and he replied stating that he was not willing to transfer the Domain Name.
6. At the time of registration the use of the Domain Name did not take unfair advantage of or was unfairly detrimental to the Complainant's rights and has never been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's rights.
7. Throughout the years the website has grown and the Respondent's customers have purchased in excess of £2m worth of the Complainant's products. The Complainant does not sell all its products online so the Respondent is not in competition with them. The Complainant does not offer an installation service.
8. The Respondent's business has been to sell and promote the Complainant's roof window and accessory range, along with spares and installations. At no time has the Complainant stated that selling its products is detrimental to the Complainant. At the time of registration the Complainant was more than happy for the Respondent to spend money and time promoting the Complainant's products.
9. After receiving a letter from the Complainant asking to sign the domain over, dated 16th September 2010, the Respondent started a new domain – loftsolutions.co.uk and over a period of time re-directed veluxsolutions-co-uk to the new domain. This will not cause a great impact on the Respondent's business, but signing over the Domain Name will. The Respondent does not want to sell the Domain Name but he is willing to not use it, or the other Domain Names, in any way. The sole purpose of keeping the Domain Names is so that all the hard work, money and time spent getting the Domain Name recognised in the UK does not go to waste, or for the Domain Names to be sold on at a profit.

¹ It is not always clear which Domain Name the Respondent is referring to or whether he means more than one of the Domain Names.

10. The Complainant is being unreasonable. If the Complainant doesn't want people to use their trademark in domain names then they should not have agreed to it in the first place. The Respondent could have had loftsolutions.co.uk in the top rankings by now and had no trouble with it.
11. It is the Respondent's belief that the Complainant wants to use the Domain Name to promote/sell its products and cut the middle man (loft solutions) out of the equation. Why else would someone get you to promote their product so well then force you to give them all your hard work? The Complainant is not going to gain by not utilising the Domain Name.
12. Loftsolutions.co.uk will be able to sell the Complainant's windows and all its competitors' windows on the website. Common sense tells you that a website solely selling the Complainant's products will only benefit the Complainant. If you put a brand along side Velux to compare and the customer has the choice, given that most people think Velux is a name for a roof window rather than a brand, then they will see there is a cheaper alternative. The Respondent's aim has been to promote the best product. He has been very loyal to the Complainant and still wants to promote the Complainant as being the best on the market.
13. The Respondent would like the Complainant to agree to: the Respondent using the Domain Name until traffic is directed to his own site and a ranking of similar position for loftsolutions.co.uk is achieved and then the Respondent would not using the Domain Names at all.
14. If the Complainant does not agree to this and wants the Domain Names then the Respondent would want costs and expenses paid to cover his promotion of the new site and losses from revenue not received as a result of the Complainant having the Domain Name. The only reason the Respondent can see for the Complainant doing this [wanting the Domain Names] is for its financial gain.

The Reply

The Complainant replied to the Response as follows:

1. Allegation that Andy Silcock permitted the use of veluxsolutions.co.uk, and allegation concerning permitted use of trade mark images (reference paragraphs 3 and 4 of the Response).

The Complainant denies the allegation (for which there is no evidence offered) that Andy Silcock or Keith Riddle or any other person on behalf of the Complainant gave the Respondent permission to use the Domain Name veluxsolutions.co.uk, or any name. The Complainant denies that it offered to enter into or entered into a DNUAA with the Respondent (and the fact no such agreement was entered into is acknowledged by the Respondent's email of 14 September 2009).

The Complainant has already denied in the Complaint a more general allegation to this effect in the letter from the Respondent of 14 September 2009. In any case, by the time the Complainant became aware of veluxsolutions.co.uk it had ceased to enter into DNUAAs with third parties. The Complainant can confirm that the Respondent has at no point been authorised to use the Domain Names veluxsolutions.co.uk and velux-solutions.co.uk or either of them. Discs featuring the logo and other images are available on request by merchants and installers. The provision of such material is to ensure proper usage of trade marks and does not constitute permission to use a domain name.

2. Allegation that the Complainant requested changes to the Homepage (reference paragraph 5 of the Response).

The Respondent asserts, without disclosing what document he relies on, that the Complainant requested changes to the homepage of one of the Domain Names (not specified), and that this is inconsistent with a request to transfer. This is rejected. The Complainant believes this is a reference to a letter dated 28 July 2009 (attached to the Complaint) in which it did make a request for the Respondent to make changes to the website. The changes were needed to make clear it was not a VELUX site but this was an obvious reference to the page content of its business website, whatever domain name such website resolved to. In the same letter the Respondent was asked to transfer the Domain Names veluxsolutions.co.uk and velux-solutions.co.uk. There is nothing inconsistent in this.

3. Allegation that VELUX is generic '*...given that most people think Velux is a name for a roof window rather than a brand then they will see there is a cheaper alternative*' (reference paragraph 12 of the Response).

The Complainant also strongly denies the Respondent's claim that the VELUX brand is in any way generic or descriptive. The Complainant has substantial rights and goodwill in the VELUX mark, as evidenced in its Complaint. Furthermore, the status of the mark has been upheld by previous Nominet decisions, notably DRS 06973 and in WIPO Case No. D2010-2013 and D2008-0014, each of which found no justification for a finding that the Complainant's mark has become generic or is descriptive.

4. Allegation that the Complaint is brought for financial gain (reference paragraph 14 of the Response).

The Complainant is pursuing this complaint solely to prevent the Respondent from taking unfair advantage of the Complainant's rights in its VELUX mark and not for financial gain. Rather, it is the Respondent who is making an unjustified financial gain by causing confusion among customers seeking the Complainant's website and capturing a portion of the Complainant's normal internet traffic to increase its own sales via its site at loftsolutions.co.uk, as described in both the Complaint and the Response.

6. Discussions and Findings

General

To succeed in this Complaint, the Complainant has to prove to the Expert on the balance of probabilities, pursuant to §2 of the Policy, both limbs of the test that:

1. *The Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name; and*
2. *The Domain Name, in the hands of the Respondent, is an Abusive Registration.*

Complainant's Rights

Rights is defined in §1 of the Policy as rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning.

The wholly generic suffix “.co.uk” is discounted for the purposes of establishing whether a complainant has Rights in a name or mark which is identical or similar to a domain name.

The Complainant has evidenced extensive registered rights in the name VELUX which predate the Respondent’s registration of the Domain Names.

The Complainant has also claimed unregistered rights in respect of the name VELUX but has not provided any evidence, save for a press release in relation to the VELUX5 Oceans Race, in support.

The Complainant asserts that the name VELUX is a made up word and is the essential and distinctive part of each of the Domain Names.

I am satisfied that the Complainant has Rights in the name VELUX. I am also satisfied that VELUX is the distinctive part of each of the Domain Names and that the addition of descriptive terms (“solutions”, “solarpanels” and “solar”) to the name VELUX do not detract from its distinctiveness.

Accordingly, the Complainant has satisfied the first limb of the test by demonstrating that it has Rights in the name VELUX, a name which is identical to the Domain Names save for the addition of descriptive terms and the generic suffix.

Abusive Registration

Abusive Registration is defined in §1 of the Policy as a Domain Name which either:

1. *was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant’s Rights; or*
2. *has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant’s Rights.*

A non-exhaustive list of factors which may be evidence that a domain name is an Abusive Registration is set out in §3 of the Policy.

The crucial issue is the main thrust of the Respondent’s denial of abusive registration: that he was granted the right to use the name VELUX in the Domain Name veluxsolutions.co.uk.

The Respondent refers in an email dated 14 September 2009 to the Complainant that he has been asking for a DNUAA “*for a long time now*”. The Complainant refers to a terminated DNUAA in its letter to the Respondent dated 16 September 2010 but states in the Complaint that this was an administrative error and, having checked its records, confirms that no DNUAA was ever issued.

No such evidence is presented of a DNUAA or of any other written agreement between the parties granting the Respondent the right to use the name VELUX in the Domain Names. In fact, the Respondent’s email of 14 September 2009 is clear that no DNUAA exists.

The DRS is not a forum for the resolution of contractual disputes or to decide whether a contract exists between the parties and/or on what terms. The expert can only consider the evidence placed before him/her in respect of whether the registration and use of a domain name is abusive.

Accordingly, I can only conclude on the papers before me and for the purposes of this dispute forum that the Respondent does not have a contractual right to use the Complainant's trade mark VELUX.

Turning then to the registration and use of each of the Domain Names.

veluxsolutions.co.uk

The Complainant wrote to the Respondent shortly after the registration of this Domain Name, by letter dated 9 September 2007, explaining its rights in the name VELUX. The Complainant asked the Respondent to transfer the Domain Name. Further letters followed which, it appears, the Respondent did not reply to until his email dated 14 September 2009. I note that the Respondent's email dated 14 September 2009 is from "VELUXsolutions@aol.com".

In the meantime, the Respondent has developed its use of the Domain Name such that, by his own admission in the Response, it was generating or contributing to the generation of significant sales of the Complainant's products and associated business for the Respondent.

The website to which the Domain Name resolves makes extensive use of the Complainant's VELUX mark and the "VELUX solutions.co.uk" logo which is confusing similar to the Complainant's typeface and colours used in the VELUX mark.

The overwhelming initial impression to the visitor is that this website is operated by or connected in some way to the Complainant.

I am satisfied that the Respondent's use of the Domain Name is likely to or has confused people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant, and is therefore an Abusive Registration.

There is no need to consider the Complainant's assertions any further.

velux-solutions.co.uk

This Domain Name was included in the Complainant's letter dated 9 September 2007 and subsequent letters. This Domain Name resolves to the same website as *veluxsolutions.co.uk*.

For the same reasons stated above this Domain Name is an Abusive Registration.

veluxsolar.co.uk

This Domain Name does not resolve to any website and does not appear to be parked on any holding site.

The Complainant presents no evidence to support an assertion of abusive registration. The Respondent, however, says that he registered the Domain Name for the sole use of advertising the VELUX brand. I am satisfied by the papers before me that the Respondent's intention was and is to use this Domain Name in a similar way to *veluxsolutions.co.uk* for the purposes of trading on the Complainant's VELUX name in order to generate business and that such threatened use would likely cause confusion to internet users.

Accordingly, I find that the Domain Name is an Abusive Registration.

veluxsolarpanels.co.uk

For the same reasons set out for veluxsolar.co.uk I find that the Domain Name is an Abusive registration.

7. Decision

In light of the foregoing findings, namely that the Complainant has Rights in a name which is identical to the Domain Names, and the Domain Names, in the hands of the Respondent, are Abusive Registrations, I direct that the Domain Names, veluxsolutions.co.uk, velux-solutions.co.uk, veluxsolar.co.uk and veluxsolarpanels.co.uk be transferred to the Complainant.

Signed: Steve Ormand

Dated: 7 July 2011