

**DISPUTE RESOLUTION SERVICE**

**D00011816**

**Decision of Independent Expert**

**(Summary Decision)**

More Esthetic Ltd

and

Mr Juan Cardenal

**1. The Parties:**

Lead Complainant: More Esthetic Ltd  
3 Heath Square  
Boltro Road  
Haywards Heath  
West Sussex  
RH16 1BD  
United Kingdom

Complainant: Nomasvello s.l.  
C/ Sierra Nevada, 30 - 28691  
Villanueva de la Cañada  
Madrid  
Spain

Respondent: Mr Juan Cardenal  
Flat 1  
10 Kenwyn Road  
London  
SW4 7LH  
United Kingdom

**2. The Domain Name(s):**

nomasvello.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 Name.

Yes  No

**5. Abusive Registration**

The complainant has, to my reasonable satisfaction, shown that the Domain Name nomasvello.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)**

Under Paragraph 16 of the DRS Procedure the Expert will decide a complaint on the basis of the Parties' submissions, the DRS Policy and the DRS Procedure. Under Paragraph 13a of the DRS Procedure the Expert will not be obliged to consider any statements or documents from the Parties which she has not received according to the DRS Policy or the DRS Procedure or which she has not requested. In this case, the Respondent has not responded to the complaint within the time limit and I have made my decision based on the evidence in the complaint. I am aware that after the deadline for responding to the complaint, the Respondent contacted Nominet by e-mail suggesting that there is a dispute relating to the termination of a franchise agreement which may be proceeding before a Court in Spain. However, the Respondent has not provided any supporting evidence and has also chosen not to make a Further Statement in accordance with paragraph 13 of the DRS Procedure, despite Nominet clearly explaining the procedure to follow when responding to the Respondent's e-mails. Accordingly, I have made my decision on the basis of the complaint, the DRS Policy and the DRS Procedure.

**8. Decision**

Transfer	<input checked="" type="checkbox"/>	No action	<input type="checkbox"/>
Cancellation	<input type="checkbox"/>	Suspension	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>		

I direct that the Domain Name nomasvello.co.uk be transferred to the complainant, Nomasvello s.l.

Signed: Patricia Jones

Dated: 19 October 2012