

DISPUTE RESOLUTION SERVICE

D00011981

Decision of Independent Expert
(Summary Decision)

Wessex GS Ltd T/A Wessex DAF Trucks

and

NWM Brand Development

1. The Parties

Complainant: Wessex GS Ltd T/A Wessex DAF Trucks
1 Roundhead Road
Heathfield Ind Estate
Newton Abbot
Devon
TQ12 6UE
United Kingdom

Respondent: NWM Brand Development
37-38 Teignbridge Business Centre Cavalier Road
Heathfield
Newton Abbot
Devon
TQ12 6TZ
United Kingdom

2. The Domain Names

wessexdaf.co.uk
wessexfoden.co.uk
wessexldv.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 wessexdaf.co.uk. But the Complainant has not, to my reasonable satisfaction, shown rights in respect of a name or mark which is identical or similar to the domain names wessexfoden.co.uk or wessexldv.co.uk.

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name wessexdaf.co.uk is an abusive registration. But the Complainant has not, to my reasonable satisfaction, shown that the domain names wessexfoden.co.uk and wessexldv.co.uk are abusive registrations.

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 Complainant asserts that Wessex Foden and Wessex LDV are two of its trading names. But (despite being notified by Nominet that the proposed complaint appeared short) it offers no evidence at all in support of that assertion.

8. Decision

I grant the Complainant's application for a summary decision in relation to the domain name wessexdaf.co.uk. In accordance with paragraph 5f of the Procedure, that domain name will therefore be transferred to the Complainant.

I refuse the Complainant's application for a summary decision in relation to the domain names wessexfoden.co.uk and wessexldv.co.uk.

Mark de Brunner

17 November 2012