

DISPUTE RESOLUTION SERVICE

D00012489

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

Guildford Town Centre Chaplaincy

and

Mr Flavid Kishan de Silva Ranasinghe

1. The Parties:

Lead Complainant: Guildford Town Centre Chaplaincy
PO Box 1104
Guildford
Surrey
GU1 9JX
United Kingdom

Respondent: Mr Flavid Kishan de Silva Ranasinghe
48 Elmside
Onslow Village
Guildford
Surrey
GU2 7SJ
United Kingdom

2. The Domain Name(s):

gtcc.org.uk
guildfordstreetangels.org.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 names gtcc.org.uk and guildfordstreetangels.org.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)

The Complaint failed to expressly identify the rights relied upon but I am persuaded that it is more likely than not that the Complainant has “unregistered trade mark rights” in the terms “GTCC” and “Guildford Street Angels” by reason of use of the same since 2008.

The basis for the finding of abusive registration is by reference to, or alternatively by analogy with, paragraph 3(a)(v) of the Policy. It would appear from the material provided that the Complainant has not paid for the registration or renewal of the domain names. But it is clear from the material provided that the parties were agreed that this would occur and that the only reason why payment was not made was because the Respondent did not submit an invoice.

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"/>		

Signed: Matthew Harris

Dated: 19 March 2013