DISPUTE RESOLUTION SERVICE

D00013745

Decision of Independent Expert

(Summary Decision)

Ringside Boxing Ltd

and

Mr David Rawlings

1. The Parties

Complainant: Ringside Boxing Ltd
B243/247-250 Riverside Business Centre
Bendon Valley
London
SW18 4UQ
United Kingdom

Respondent: Mr David Rawlings
4 Main Street
Leadhills
Biggar
South Lanarkshire
ML12 6XR
United Kingdom

2. The Domain Name

<ringsideboxingequipment.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.

X 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 **X** No

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the Domain Name < ringsideboxingequipment.co.uk> is an Abusive Registration.

☐ Yes **X** No

6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances.

X Yes ☐ No

7. Comments

The Complaint has essentially failed for lack of evidence, rather than on any substantive grounds (the guidelines on the Nominet website clearly stress the need to provide as much evidence as possible to support a case to enable the Expert to make an informed decision). In addition, some of the material in the Complaint appears to be rather misleading.

Rights: The Complainant states that "*we own UK/International trademarks in the name of Ringside*" but only supplies evidence of a figurative UK trade mark in the term R RINGSIDE. No attempt is made to explain why this is identical or similar to the Domain Name.

The Complainant also states that "*our main domain name for website sales is RingsideBoxing .co.uk and also RingsideBoxing.com, as well as Ringsideworldwide.com/org/net, Ringsideequipment.info/co/com/co.uk and*

Ringsideboxingonline.co.uk/com." However no screenshots or Whois reports have been provided to enable the Expert to verify this. Furthermore, upon brief investigation by the Expert, it is clear that some of the domain names and/or websites that the Complainant claims to own or operate are in fact owned or operated by third parties. However no attempt has been made to explain the connection between such third parties and the Complainant, if any.

Abuse: The Complainant has failed to supply a screenshot of the website to which the Domain Name was pointing to back up its claims that it was being used to sell competing goods (upon brief investigation by the Expert, the Domain Name no longer appears to be pointing to an active website). The Expert is unable to take the Complainant's claims in this regard on trust, particularly in view of the potential unexplained ownership of similar competing brands by legitimate third parties.

8. Decision

No action

Signed: Jane Seager Dated: 6 March 2014