

DISPUTE RESOLUTION SERVICE

D00015139

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

Credit Card Claims Limited

and

Antony Livingstone

1. The Parties

Complainant: Credit Card Claims Limited
Suite 2.10
The Black Box
Beech Lane
Wilmslow
Cheshire
SK9 5ER
United Kingdom

Respondent: Antony Livingstone
Manchester
United Kingdom

2. The Domain Name

creditcardclaims.co.uk ('the Domain Name')

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 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

This is a highly abbreviated complaint, supported by very little evidence. I note a particular difficulty with each of the Complainant's main claims to rights in respect of a name or mark which is identical or similar to the Domain Name – with unavoidable consequences for its argument about the character of the domain name registration here:

- the Complainant points to its name being identical to the Domain Name (ignoring the .co.uk suffix). The implication is that the company name gives the Complainant relevant rights, but the consensus view among Experts on the Dispute Resolution Service (DRS) panel is that mere incorporation does not of itself confer rights in a name for the purposes of the DRS Policy (*Experts' Overview* section 1.7).

- the Complainant says it has made a trade mark application for the name in which it is asserting rights but, as the *Overview* makes clear (section 1.9), simply making such an application does not establish its validity. Like incorporation, a trade mark application does not of itself confer rights for the purposes of the Policy.

8. Decision

I decline to grant the Complainant's application for a summary decision and direct that no action be taken in relation to the Domain Name.

Mark de Brunner

13 January 2015