

DISPUTE RESOLUTION SERVICE

D00015382

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

OE Electrics Ltd

and

Khan Arif

1. The Parties:

Complainant: OE Electrics Ltd
1 Calder Point
Monckton Road Industrial Estate
Wakefield
West Yorkshire
WF2 7AL
United Kingdom

Respondent: Khan Arif
18 Eley Road
Edmonton
London
N18 3BB
United Kingdom

2. The Domain Name(s):

oeelectrics.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 oeelectrics.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

The Complaint is very brief. As a result, during the online submission process Nominet will have automatically brought to the Complainant's attention a notification from the Chairman of the Expert's panel. This notification says that a complainant's position may be weakened by submitting a short complaint with little supporting evidence. Further information about this notification can be found in Paragraph 5.12 of the Expert's Overview.¹ At the point of notification Nominet's website gives a complainant the opportunity to amend its complaint and add further supporting evidence. In this case the Complainant chose not to do so.

Nominet's Dispute Resolution Service (DRS) is a simple administrative procedure designed to resolve domain name disputes. Paragraph 2.a. of the DRS Policy says that a Complainant must show, firstly, that it has Rights in respect of a name or mark which is identical or similar to the Domain Name in question; and, secondly, that the Domain Name, in the hands of the Respondent, is an Abusive Registration. Nominet's website and the Policy both have a wealth of information about what is needed to demonstrate these elements.

¹ The Expert's Overview can be found at http://www.nominet.org.uk/sites/default/files/drs_expert_overview.pdf

The Complainant has said that it is a limited company called OE Electrics Limited. Is this enough to show that it has Rights which are identical or similar to the Domain Name in question? I have referred to Paragraph 1.7 of the Expert's Overview which considers this point and it concludes that "The consensus view of recent Experts' meetings has been that mere registration of a company name at the Companies Registry does not of itself give rise to any rights for this purpose."

Creating a limited company in the United Kingdom is a relatively inexpensive and straightforward process and cannot in itself confer rights in any particular term. A complainant must show it has more substance than a mere company registration and some of the ways in which it can do this are set out in the Policy, the Expert's Overview and the guidance notes on Nominet's website.

As the Complainant has failed to show that it possesses relevant rights for the purposes of the DRS Policy there is no need to consider the issue of Abusive registration. I have no choice but to refuse the Complainant's application for a summary decision.

8. Decision

I refuse the Complainant's application for a summary decision. The domain name registration will therefore remain with the Respondent.

Signed: Tim Brown

Dated: 23rd February 2015