

**DISPUTE RESOLUTION SERVICE**

**D00016486**

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

**CooperAnchors.com Pty Ltd**

and

**RAAMaudio UK LTD**

**1. The Parties:**

Complainant: CooperAnchors.com Pty Ltd  
C/O  
Lewis & McNamara  
PO Box 563  
HERVEY BAY QLD 4655  
Hervey Bay  
4655  
Australia

Respondent: RAAMaudio UK LTD  
25 The Drive  
SEVENOAKS  
TN13 3AB  
United Kingdom

**2. The Domain Name:**

cooperanchors.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 **cooperanchors.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 (optional)

Rights: The Complainant's claim to have established rights in COOPER ANCHORS would have been more readily established had it taken the trouble to provide official register details of its Australian Trade Mark registration (1213897).

Goodwill to support a claim to passing off in the UK under common law rights also requires evidence of actual customers in the jurisdiction, which the Complainant has not clearly provided. However, in the absence of any challenge from the Respondent, and on the basis of the evidence actually presented, the Expert is prepared to accept that, on the balance of probability, the Complainant had established common law rights at least in Australia, prior to the date of registration of the Domain Name as of 24.11.2010.

Abusive Registration: The Complaint refers to Exhibits CA16, CA17(a) and CA17(b) as evidence in support of its assertion of Abusive Registration. Regrettably, these Exhibits were not included in the supporting documents actually filed with the Complaint, and so were not considered. However, having regard to the Exhibits CA5(a) to (e), and in the absence of any explanation from the Respondent, the Expert finds that the Domain Name has been used in a manner which has taken unfair advantage of the Complainant's Rights and that it is an Abusive Registration on this basis.

## **8. Decision**

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

**Signed: Keith GYMER**

**Dated: 9 October, 2015**