

DISPUTE RESOLUTION SERVICE

D00018469

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

Dr Robert Lefever

and

Bernadette Hickland

1. The Parties:

Complainant: Dr Robert Lefever
58A Old Brompton Rd
Kensington
London
SW7 3DY
United Kingdom

Respondent: Bernadette Hickland
48 Meadow Road Rusthall
Tunbridge Wells
Kent
TN4 8UL
United Kingdom

2. The Domain Name:

drrobertlefever.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 sections 3 and 6 of the Policy.

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 drrobertlefever.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)

The Complainant relies on rights in his personal name, Dr Robert Lefever, to assert that he has Rights under the Policy. In this regard, he contends that he is regarded as the pioneer of addiction treatment methods in the UK, and has treated over 5,000 patients. He states that he is the author of 23 books on depression and addictive or compulsive behaviour, and that he also writes and/or broadcasts on medical and social issues for a number of media outlets including The Daily Mail, BBC and Sky News.

The Complainant is the owner of the domain names robertlefever.com and drrobertlefever.com. He claims that he was also the owner of the Domain Name from 25 June 2004 to 25 June 2015. He believes that his previous web manager is the current registrant of the Domain Name.

The question of whether rights in a personal name can give rise to a right within the definition of Rights under the Policy was considered in the Appeal Panel in DRS 12276 <hvidbro-mitchell.co.uk>. In that decision, the Appeal Panel stated as follows:

“The Panel recognises that in finding that Rights under the Policy includes rights in personal names, it is accepting that all individuals have relevant rights in respect of their names sufficient to found a complaint under the Policy, providing they can also show that the name in question is identical or similar to the domain name concerned. However, whether the use of a complainant’s name constitutes an abusive use for the purposes of the second element/hurdle is another matter.”

The Complainant’s name is Dr Robert Lefever and the Domain Name comprises this name in its entirety (excluding the generic .co.uk suffix). I therefore find that the Complainant has Rights in respect of the name “Dr Robert Lefever” and that this name is identical to the Domain Name.

Turning now to the use that is being made by the Respondent of the Complainant’s name in this case, the Domain Name resolves to a web site which sells clothes and shoes, and prominently displays the Complainant’s name on its home page. The Respondent has not submitted a Response and as a result has failed to provide any explanation of its actions in respect of the Domain Name, in particular an explanation of the link between the Domain Name and the contents of the corresponding web site.

In the absence of such explanations, and on the basis that the Complainant has shown on the evidence before me that he trades under his name, I accept that the Domain Name is being used in a manner which is unfairly detrimental to the Complainant’s Rights and find that the Domain Name, in the hands of the Respondent, is an Abusive Registration.

8. Decision

I grant the Complainant’s application for a summary decision. In accordance with section 12 of the Policy, the Domain Name will therefore be transferred to the Complainant.

Signed: Ravi Mohindra

Dated: 12 March 2017