

DISPUTE RESOLUTION SERVICE

DRS 18935

Decision of Independent Expert (Summary Decision)

Simon Pollock

Complainant

and

Marsha Dunse

Respondent

1 The Parties

Complainant:	Simon Pollock
Address:	1 Laurel Close Farnborough Hampshire
Postcode:	GU14 0PT
Country:	United Kingdom

Respondent:	Marsha Dunse
Address:	Schulstrasse 83 Niedersachsen
Postcode:	26384
Country:	Germany

2 Domain Name

bestwayrecycling.co.uk (the "Domain Name")

3 Notification of Complaint

I am satisfied that Nominet has sent the Complaint to the Respondent in accordance with paragraphs 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 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)

- 1 The Complainant in this case is Simon Pollock.
- 2 The Complainant's submissions on his Rights (as defined in the Policy) in respect of a name or mark which is identical or similar to the Domain Name are, in their entirety, as follows: *"Bestway Recycling have registered and renewed the name bestwayrecycling.co.uk since June 2000 and it has been used in connection with their business ever since."*
- 3 That may or may not be correct (no evidence whatsoever has been submitted in support of that assertion), but the Complainant has not demonstrated what connection, if any, he may have with Bestway Recycling, nor has he indicated any other basis on which he might have Rights in relation to the Domain Name.
- 4 Accordingly, the Complainant has failed to demonstrate the requisite Rights and the Complaint therefore fails.

8 Decision

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

David Engel

Signed:

Dated: 27 July 2017