

DISPUTE RESOLUTION SERVICE

D00019867

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

HOMESERVE PLC

and

J H Protection

1. The Parties

Complainant: HOMESERVE PLC
Cable Drive
Walsall
West Midlands
WS2 7BN
United Kingdom

Respondent: J H Protection
17 Tingleton Gardens
Bournemouth
BH9 3RD
United Kingdom

2. The Domain Name

homeservsolutions.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 sections 3 and 6 of the Policy.

Yes

4. Rights

No

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

The Complainant asks for the Domain Name to be cancelled. But once a .uk domain name is cancelled, it is available immediately to be re-registered, first-come, first-served, by any applicant. In the present case that would create the potential for the immediate re-establishing of the situation that gave rise to the complaint in the first place. It seems to me that the appropriate remedy is transfer rather than cancellation.

8. Decision

I grant the Complainant's application for a summary decision. In light of my comments above and in accordance with section 12 of the Policy, the Domain Name will be transferred to the Complainant.

Mark de Brunner

13 March 2018