

# DISPUTE RESOLUTION SERVICE

**DRS 21151**

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

Hybrid Bootcamp Limited

Complainant

and

Laura Mchy

Respondent

## 1 The Parties

Complainant:	Hybrid Bootcamp Limited
Address:	30 Harborough Road Northampton Northamptonshire NN2 7AZ United Kingdom
Respondent:	Laura Mchy
Address:	MAN Commercial Protection 5 Highlands Court Solihull B90 4LE United Kingdom

## 2 Domain Name

*hybridbootcamp.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 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 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 This is one of those unfortunate cases under the DRS where the Complainant may well have succeeded in its application, had it taken the trouble properly to explain its case, and prove it by way of evidence. This does not require the involvement of a lawyer. There is plenty of helpful guidance on the Nominet website, in particular in the document called *Experts' Overview*.
- 2 The DRS policy is clear that, even in a case such as this where the Respondent has not defended her position, the onus is still on the Complainant to prove on the balance of probabilities (i.e. that it is more likely than not), first, that it has Rights (as defined in the DRS Policy) in respect of a name or mark that is identical or similar to the Domain Name (Policy, 2.1.1), and, secondly, that the Domain Name is an Abusive Registration (as defined) in the hands of the Respondent (Policy, 2.1.2).
- 3 Regrettably, in this case, the Complainant has barely explained its case and has failed to provide a shred of evidence in support. This despite the fact that it had two separate opportunities to put its house in order in this regard.
- 4 On 4 June 2019, the Expert made a request, pursuant to paragraph 17.1 of the Policy, for the Complainant (at that point an individual named Paul Lunny) to explain and evidence on what basis he said he owned the requisite rights in the Hybrid Bootcamp name or mark. Nominet subsequently substituted Hybrid Bootcamp Limited for Mr Lunny, as the Complainant.
- 5 On 19 June 2019, Nominet informed the Expert that it had received a response from the Complainant which consisted (in its entirety) of the following submissions:

*"Thank you very much for the email. I am Lee Andrew, the Director of Hybrid Bootcamp Limited. Paul Lunny deals with all aspects of my computing and online website etc etc. Please may you amend and authorise Paul Lunny to act as an agent on behalf of myself."*

6 In light of the Complainant's failure to answer the question put to it, on 24 June the Expert made a second 17.1 request, asking the new Complainant, i.e. Hybrid Bootcamp Limited, to:

(a) evidence that Lee Andrew is a/the director of the Complainant, and

(b) explain on what basis it says it has Rights (as defined in the DRS) in respect of a name or mark which is identical or similar to the Domain Name.

The Expert also invited the Complainant *"to develop the extremely brief submission in the original Complaint on Abusive Registration. It may wish to take into account in this regard the requirements of the Policy and the guidance provided in the Experts' Overview"*.

7 That request was sent to the Complainant by Nominet on 4 July and again on 16 July 2019. A response was requested by 23 July. But none was forthcoming by that date or subsequently.

8 In those circumstances, the Complainant has failed to discharge its obligation to prove its case on the balance of probabilities.

## 8 Decision

I dismiss the Complainant's application for a summary decision. The Domain Name registration will therefore remain with the Respondent.

**David Engel**

Signed:

Dated: 12 August 2019