

DISPUTE RESOLUTION SERVICE

D00021771

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

DALKIA

and

Bemunchie Online

1. The Parties:

Complainant: DALKIA
37 Avenue Du Marechal De Lattre De Tassigny
Saint-Andre-Lez-Lille
FR
59350
France

Respondent: Bemunchie Online
Office 1729
109 Vernon House
Friar Lane
Nottingham
Nottinghamshire
NG1 6DQ
United Kingdom

2. The Domain Name:

dalkiaservices.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 section 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 dalkiaservices.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)

It is clear that the Complainant has the requisite Rights in the sign DALKIA which is identical or similar to the Domain Name.

Taking into account:-

- the distinctive nature of the Complainant's sign; and
- the fact that Domain Name reproduces exactly the Complainant's sign and merely adds to it the entirely non-distinctive element 'services'

I find that on the balance of probabilities the use of the Domain Name creates 'initial interest confusion' since an internet user, seeing the Domain Name will believe, or be likely to believe, that it is registered to, operated or authorised by, or otherwise connected with the Complainant and as such I find that it 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: Catherine Slater

Dated: 21 October 2019