

DISPUTE RESOLUTION SERVICE

D00015954

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

James Langham t/a Ainsley Fencing

and

Mr David Smith

1. The Parties:

Complainant: James Langham t/a Ainsley Fencing
Unit 1, New Road
Radford
Nottingham
NG7 3FR
United Kingdom

Respondent: Mr David Smith
11 Accord Avenue
Paisley
Renfrewshire
PA2 7DN
United Kingdom

2. The Domain Name:

ainsleyfencing.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 paragraphs 2 and 4 of the Procedure.

Yes

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

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name ainsleyfencing.co.uk is an abusive registration

Yes

6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances

Yes

7. Comments (optional)

On reading the case file the Expert noted a discrepancy in the initials/ addresses of the Complainant and the claimed rights owner. The Expert issued a procedural order seeking clarification. The Complainant's response resolved the issue. The Respondent was invited to provide a submission in response if he so desired, but elected not to do so.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with paragraph 5f of the Procedure, the domain name will therefore be transferred to the Complainant, James Langham trading as Ainsley Fencing.

Signed: Tony Willoughby

Dated: 1 July 2015