

# **DISPUTE RESOLUTION SERVICE**

**D00019614**

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

**Swimex Fabrication**

and

**Aquamat 4 Seasons**

## **1. The Parties**

Complainant: Swimex Fabrication  
Office 2, The Old Courthouse  
Mill Road  
Oundle  
Northamptonshire  
PE8 4BW  
United Kingdom

Respondent: Aquamat 4 Seasons  
Unit 8G  
Chalford Industrial Estate  
Stroud  
Gloucs  
GL6 8NT  
United Kingdom

## **2. The Domain Names**

<aquamat4seasons.co.uk>  
<aquamatcovers.co.uk>

(“the Domain Names”)

### **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 Names.

Yes  No

### **5. Abusive Registration**

The Complainant has, to my reasonable satisfaction, shown that the Domain Names are 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)**

The Complainant provides evidence that it purchased both the Domain Names in October 2017 from the Administrator of company number 07483669. However the registrant of both the Domain Names in 2002 was a different company, number 3122880. That company was dissolved in May 2009. While both the earlier company and the later company were at some time named Aquamat Limited, there has been no change in the Nominet registration details since the original registration and Expert has been provided with no evidence that either of the Domain Names was transferred from the first company to the second. Accordingly, while having sympathy with the Complainant's position, the Expert does not have material upon which to conclude that the second company and its Administrator ever had, and therefore that the Complainant duly acquired, Rights for the purposes of the Policy in either of the Domain Names.

### **8. Decision**

The Complainant has failed to establish that it has Rights in either of the Domain Names for the purpose of the Policy and the Complaint is therefore dismissed.

**Signed:** Steven A. Maier

**Dated:** 9 April 2018