

DISPUTE RESOLUTION SERVICE

D00021451

Decision of Independent Expert (Summary Decision)

RAC Brand Enterprises LLP

and

Imran Khan

1. The Parties:

Complainant: RAC Brand Enterprises LLP
RAC House
Brockhurst Crescent
Walsall
W.Mids
WS5 4AW
United Kingdom

Complainant: RAC Insurance Limited
RAC House
Brockhurst Crescent
Walsall
W.Mids
WS5 4AW
United Kingdom

Complainant: RAC Motoring Services
RAC House
Brockhurst Crescent
Walsall
W. Mids
WS5 4AW
United Kingdom

Respondent: Imran Khan

Glass Works
Manchester
Lancashire
M4 6JW
United Kingdom

2. The Domain Name:

<roadclaims.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

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.

No

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name <roadclaims.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)

While I am satisfied on the evidence before me that the Domain Name is an abusive registration in the sense that it "is being or has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights", the Complainant's claimed trade mark rights on which the Complaint is based relate to its RAC trade mark. The first matter that a Complainant must establish under the Policy is that the

name or mark in which it has rights is identical or similar to the Domain Name. For this purpose the Domain Name is the name as registered; i.e. in this case <roadclaims.co.uk>. Manifestly, RAC is not identical or similar to <roadclaims.co.uk>.

The abusive use of which the Complainant complains is the Respondent's use of the RAC trade mark on webpages under the main landing page as represented in the form 'roadclaims.co.uk/RAC'.

This dispute is outside the scope of the DRS Policy. The Complainant appears to have a good basis for complaint, but it needs to be addressed in a different forum.

8. Decision

I refuse the Complainant's application for a summary decision. The domain name registration will therefore remain with the Respondent.

Signed: TONY WILLOUGHBY

Dated: 11 July, 2019