

DISPUTE RESOLUTION SERVICE

D00022996

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

Thortech Ltd

and

Tristan Thorpe

1. The Parties:

Complainant: Thortech Ltd
Unit 8 Lamby Way
Rumney
Cardiff
CF3 2EQ
United Kingdom

Respondent: Tristan Thorpe
Fulwood
Lancashire
PR2 3AX
United Kingdom

2. The Domain Name:

thortech.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 thortech.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

Paragraph 1 of the Nominet DRS Policy defines (with emphasis added) an "Abusive Registration" as:

"A Domain Name which either:

- i was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took **unfair** advantage of or was **unfairly** detrimental to the Complainant's Rights; or*
- ii 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."*

In this case, the Domain Name was registered by Tristan Hope because his company name was Thortech Consultants Limited. Without any evidence to the contrary, this was a valid reason for registering the Domain Name and cannot therefore be said to have been unfair.

In addition, for the same reason there is nothing to suggest that any use which the Respondent has made of the Domain Name has been unfair. The fact that the Respondent's company has now been dissolved is not by itself sufficient to mean that any future use by the Respondent of the Domain Name will be unfair. Unless and until there is evidence that the Respondent is using the Domain Name in a way which takes unfair advantage of, or is unfairly detrimental, to the Complainant's rights in its name, the Domain Name is not an Abusive Registration. The position will be the same if the Respondent chooses not to make any future use of the Domain Name, having not originally registered it unfairly.

8. Decision

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

Signed:

Dated: 16 October 2020

Jason Rawkins