

**DISPUTE RESOLUTION SERVICE**

**D00011785**

**Decision of Independent Expert**

Hope Not Hate (1986) Limited  
(formerly Searchlight Information Services Ltd)

and

Mr Gerry Gable

**1. The Parties:**

Complainant: Hope Not Hate (1986) Limited  
(formerly Searchlight Information Services Ltd)  
20-22 Bedford Row  
London  
WC1R 4JS  
United Kingdom

Respondent: Mr Gerry Gable  
49 Herent Drive  
Ilford  
IG5 0HE  
United Kingdom

**2. The Domain Name(s):**

hopenothate.co.uk  
hopenothate.org.uk  
racismcutsbothways.co.uk  
racismcutsbothways.org.uk  
stopthebnp.org.uk

### **3. Procedural History:**

28 August 2012 13:14 Dispute received  
28 August 2012 13:33 Complaint validated  
28 August 2012 14:26 Notification of complaint sent to parties  
14 September 2012 02:30 Response reminder sent  
18 September 2012 09:41 Response received  
18 September 2012 09:42 Notification of response sent to parties  
21 September 2012 02:30 Reply reminder sent  
26 September 2012 14:19 Domain added: hopenothate.org.uk  
26 September 2012 14:20 Notification of response sent to parties  
01 October 2012 02:30 Reply reminder sent  
02 October 2012 13:16 Reply received  
02 October 2012 13:17 Notification of reply sent to parties  
02 October 2012 13:27 Mediator appointed  
05 October 2012 12:08 Mediation started  
25 October 2012 Change of name of Complainant  
07 December 2012 16:19 Mediation failed  
07 December 2012 16:21 Close of mediation documents sent  
13 December 2012 14:16 Expert decision payment received  
20 December 2012 Keith Gymer appointed as Expert

### **4. Factual Background**

The Complainant, in its original guise as Searchlight Information Services Limited (“SIS”), was created in 1986 as the political and campaigning arm of the Searchlight group of businesses, which were established to oppose racism and fascism in politics. Other members of the Searchlight group, which were incorporated later, included the Searchlight Educational Trust (“SET”) (now Hope Not Hate Educational Limited), which was the charitable arm, focussed on educational activities, and Searchlight Magazine Limited (“SM”), which dealt with the publication of the eponymous magazine.

The Respondent, Mr Gerry Gable, was a founder of the original Searchlight magazine in 1975, and has been continuously involved in its publication, in collaboration with his wife, Mrs Sonia Gable. The Gables have been long-recognised as leading anti-fascist and anti-racist campaigners.

Mr & Mrs Gable were also the original, founding officers of SIS. More recently (since June 2005), Mr Gable was joined as a director of SIS by Mr Nick Lowles. Mrs Gable acted as the Company Secretary.

The Domain Names were registered, in Mr Gable’s name, as follows (in chronological order):

- i) stopthebnp.org.uk – 28 April 2005
- ii) hopenothate.org.uk – 23 February 2007
- iii) hopenothate.co.uk – 23 February 2007
- iv) racismcutsbothways.org.uk – 1 November 2008

v) racismcutsbothways.co.uk – 1 November 2008

## **5. Parties' Contentions**

### **Complainant:**

In summary, the Complainant contends that:

The 'Hope Not Hate' name was first used, under SIS auspices, for a campaign in relation to the 2004 European Elections, and has continued to be used in similar campaigns since then.

The 'Stop the BNP' name was first adopted by SIS in 2002 and was actively used for campaigning until at least 2006. The domain name 'stopthebnp.org.uk' was used for a supporting website.

SIS adopted the slogan 'Racism Cuts Both Ways' [which was in fact first used by the BNP in its literature] for countervailing, strategic campaigns in 2007 and 2008. The domain names 'racismcutsbothways.org.uk' and 'racismcutsbothways.co.uk' were used for supporting websites.

At all material times, when the Domain Names were registered, Mr Gable was a director of SIS, and the registrations were made in support of the work of SIS.

In about April 2011, a dispute arose between the Gables and SIS and SET [or at least with Mr Lowles] regarding certain issues relating to these businesses.

By a Compromise Agreement, dated 1 December 2011, the dispute was believed to have been resolved on terms whereby:

- a) SIS and SET would cease use of the 'Searchlight' name;
- b) All shares in Hope Not Hate Limited (a company set up by the Gables) would be transferred to Mr Lowles;
- c) The Gables would resign their positions in SIS and SET.

The Compromise Agreement was based on an underlying understanding that SIS would continue operate using the name 'Hope Not Hate', together with the subsidiary campaign names 'Stop the BNP' and 'Racism Cuts Both Ways'.

Subsequent to the Compromise Agreement, however, the relevant contact details for the Domain Names were changed by the Gables, which exposed the risk that SIS would lose access to the Domain Names, which would frustrate this understanding and undermine the intention of the Compromise Agreement.

In solicitor's correspondence, the Gables asserted a personal interest in the 'Hope Not Hate' name. SIS rejects the Gables' claim, and relies in particular on the following points in support of the Complaint:

- a) It is SIS which has been ultimately responsible for use of the 'Hope Not Hate', 'Stop the BNP' and 'Racism Cuts Both Ways' names since 2004;
- b) SIS has borne the costs of the registrations and renewals of the Domain Names;
- c) Mrs Gable herself had written to SIS's website designer in February 2011, explicitly asking: "Is there any way of changing the hopenothate.org.uk site to be in the name of Searchlight Information Services Ltd instead of registered to Gerry personally?";
- d) On 29 August 2011, Mrs Gable had also expressly requested that the SIS website designer add the following text to the Hope Not Hate website: "Hope Not Hate is the campaigning name of Searchlight Information Services Ltd, a company registered in England and Wales with company number 02055070; registered office (not for general correspondence) 20-22 Bedford Row, London WC1R 4JS";
- e) The Gables have resigned their positions in SIS and SET;
- f) The agreement to transfer the Gables' shares in Hope Not Hate Limited to Mr Lowles;
- g) The Gables have no on-going involvement in the Hope Not Hate campaign.

The Complainant asks for transfer of the Domain Names.

**Respondent:**

The Respondent submitted a Response with a detailed rebuttal of the Complainant's claims, pertinent extracts from which are summarised below:

Gerry Gable is (and was at the relevant times) the sole director of Searchlight Magazine Limited ("SM"), as well as then being a director of SIS.

Although SIS and SM were separate companies, they were complementary to each other. By agreement and for practical reasons, much of the campaigning work, for which funding was required, was carried out in SIS, but to a large extent financial resources were shared.

SM also campaigns against fascism and racism in the UK.

Until September 2011, Searchlight magazine was styled "International magazine of the Hope Not Hate Campaign." (The magazine voluntarily ceased styling itself thus following the resignation of Mr Lowles as editor and his replacement by Mr Gable, but SIS did not request Searchlight magazine to cease this use.)

Use of the 'Hope Not Hate' name was first proposed by Mr Gable. The use of this name has not been exclusive to SIS.

SET also uses the 'Hope Not Hate' name and Hope Not Hate publications have stated that the campaign operates via the two separate legal entities (i.e. SIS and SET).

SIS had tried to register 'Hope Not Hate' as a trade mark, but had withdrawn its application.

Other local groups also use the name.

With regard to all the disputed Domain Names, it is asserted that these were made in support of the work of SIS, SM, SET and Gerry Gable himself in campaigning against fascism and racism.

Although it is admitted that Mr Gable was a director of SIS, there was no agreement that the Domain Names should be registered on behalf of SIS.

Use and content of the websites at the websites associated with the various Domain Names was not exclusive to SIS.

[hopenothate.org.uk/hopenothate.co.uk](http://hopenothate.org.uk/hopenothate.co.uk):

Content was provided by Mr & Mrs Gable and from SM and could be posted by Mrs Gable without reference to Mr Lowles.

[stoptheBNP.org.uk](http://stoptheBNP.org.uk):

The website takes a small amount of news and blog content from [hopenothate.org.uk](http://hopenothate.org.uk) but has no unique content of its own.

Although SIS and SM used the slogan Stop the BNP for about four years from 2002, SIS did not and does not have exclusive rights to the slogan, which is also used by the NASUWT and Unison trades unions, for example.

[racismcutsbothways.org.uk/racismcutsbothways.co.uk](http://racismcutsbothways.org.uk/racismcutsbothways.co.uk):

SIS has never used Racism Cuts Both Ways as a campaign. It was a campaign devised and used by the BNP. Gerry Gable registered these domain names as a response to the BNP campaign. The associated websites were identical and sought to provide information to counter the BNP's claims. The references to 'Searchlight' and the associated email for feedback were to SM, not SIS.

Dispute between the Gables and Mr Lowles and the Compromise Agreement:

SIS had not complied in due time with the obligation under the Agreement to change its name to remove any reference to "Searchlight". [Expert's note: This was subsequently done as of 25 October 2012, when SIS was renamed Hope Not Hate (1986) Limited].

The Gables had agreed to transfer their shares in Hope Not Hate Limited so that SIS could change its name to Hope Not Hate Limited, but SIS had not updated the details for Hope Not Hate Limited to replace the Gables as designated officers either. [Expert's note: Changes were made as of 16 October 2012, when Hope Not Hate Limited was renamed Hope Not Hate (Services) Limited].

The Terms of the Compromise Agreement are as stated and nothing else can be implied or taken as underlying it.

The changes made to the contact details for the Domain Names were done to preserve Mr Gable's access to any correspondence relating to the Domain Names.

Although the Gables have permitted SIS to continue to control the content of the websites using the Domain Names since the breakdown in relations between them and Mr Lowles, this was agreed as a matter of goodwill while negotiations continued regarding outstanding issues, and does not imply that SIS has rights to the Domain Names.

The costs of maintaining the Domain Names were paid by the Gables in the first instance.

It is admitted that Mrs Gable requested transfer of the registration of hopenothte.org.uk to SIS, but the absence of action to implement that request indicates that SIS was content for Mr Gable to remain as registrant.

It is also accepted that Mrs Gable requested the addition of the relevant text stating that "Hope Not Hate is the campaigning name of Searchlight Information Services Ltd..." to comply with Companies Act requirements for company details to be shown on websites. As the website was used for the purpose of political campaigning, it was more appropriate to assign the website to SIS than to SET or SM (which had its own website). The request was made at a time when Mr Gable was still a director of SIS and the Gables expected the dispute between the parties to be resolved amicably, with the result that they would have had continuing involvement in the Hope Not Hate campaign. It therefore should not be taken as an indication that Mr Gable gave up any rights in the name.

The Gables subsequently resigned from SIS following the breakdown in negotiations, to allow SIS to continue in business. No conclusions as to rights in the Domain Names should be drawn from this, remembering that SIS is not the sole user of the campaign name 'Hope Not Hate'.

There has been no use of the Domain Names, which has taken unfair advantage of, or been unfairly detrimental to, the Complainant's rights.

There are several outstanding issues, arising from the dispute between the Gables and Mr Lowles, which remain unresolved, including control of the hopenothate.org.uk and other Domain Names. The Respondent considers that the control and use of the Domain Names should be decided in conjunction with the other unresolved issues and not by Nominet in isolation.

### **Complainant's Reply:**

The Complainant provided a Reply to the Response with various further observations, relevant points from which include:

SIS was and remains the political, campaigning arm of the Searchlight organisation. SIS (and not SET or SM) paid for all campaigning activities. Donations to SIS and SET are kept separate.

Searchlight magazine is run separately through SM.

Until the dispute, the three companies cooperated with one another.

SET made substantial financial and in-kind contributions to SM. Mr Lowles was editor of the magazine and SET staff contributed articles. No payments were made by SM for these services.

Neither Mr Gable nor Mr Lowles received any remuneration in their rôles as directors of SIS.

Mr Gable was paid as a consultant to SET. Mrs Gable was paid as a consultant to SIS and SET, and was also the Company Secretary of both.

The name 'Hope Not Hate' was devised by Mr Lowles following market research for SIS and not by Mr Gable. 'Hope Not Hate' was conceived as a campaigning brand name for SIS. The organisation has over 160,000 subscribers to alerts through the Hope Not Hate websites, over 53,000 Facebook 'friends', and over 10,000 Twitter followers. In the past four years over 3 million Hope Not Hate leaflets have been distributed under SIS auspices.

When Searchlight magazine was part of the organisation it referred to Hope Not Hate in support of the SIS initiatives.

SIS has paid for the costs of all five of the Domain Names in dispute and if the Gables paid out they were always promptly reimbursed for such expenses.

Contrary to Mr Gable's claims, the Domain Names were made to further the work of SIS and not of any one individual. SM had its own domain, searchlightmagazine.com.

The Domain Names were registered by an IT service provider working for the Searchlight group, who simply gave Mr Gable's name as the long-respected, titular head of the organisations, without consideration of the potential legal issues.

Mrs Gable's emails of 2011, cited in the Complaint, correctly recognised that the primary hopenothate.org.uk domain should be in the name of SIS rather than Mr Gable personally, and that a reference to 'Searchlight' alone on the website was "...legally ambiguous and may suggest to readers that the website belongs to Searchlight magazine or SET".

That the IT service provider failed to act on the change of name request at that time (before the dispute) was an administrative oversight on his part.

Since the dispute, the Gables have published several articles in Searchlight magazine, which plainly disavow any connection with, and are overtly critical of the Hope Not Hate campaign.

The Gables also did not comply in a timely way with their initial obligations under the Compromise Agreement to transfer their shares in Hope Not Hate Limited and to provide the company books.

The restructuring of SIS and SET was not a straightforward process, and it turned out that Hope Not Hate Limited could not be used as may originally have been intended, as it was not limited by guarantee (as SIS was).

The use of Hope Not Hate by local campaign groups was based on a list of supporters simply taken from the campaign website. These groups were created with SIS licence and cooperation.

The previous trade mark application is being replaced, with an application for a version with a logo.

The Hope Not Hate website includes content from other appropriate sources (e.g. The Guardian newspaper), and the provision of content by Mr Gable (a SIS director) and Mrs Gable (a paid consultant and former volunteer) does not alter the SIS position.

The use of 'Stop The BNP' by NASUWT and Unison is unsurprising as SIS works in collaboration with these and other trades unions. The Unison reference cited by Mr Gable, for example, includes a link to Hope Not Hate.

Similarly, both the exhibited documents from the Racism Cuts Both Ways sites do include references and or links to Hope Not Hate and its website.

## **6. Discussions and Findings**

### **General**

Paragraph 2 of the Policy requires that, for the Complainant to succeed, it must prove to the Expert, on the balance of probabilities, both that it has Rights in respect of a name or mark which is identical or similar to the Domain Name; and that the Domain Name, in the hands of the Respondent, is an Abusive Registration as defined in Paragraph 1 of the Policy.

The Nominet Terms and Conditions require that a domain name registrant agrees to be bound by the DRS Policy and Procedure, which are established to provide for independent resolution of disputes over UK domain names. The Expert therefore considers that it is quite appropriate in this case for the DRS to be applied without regard to such other unidentified, but allegedly unresolved, issues between the parties, to which the Respondent has alluded.



## **Complainant's Rights**

This case is unusual in that it relates to three different names or marks used in the Domain Names:

- i) Hope Not Hate
- ii) Stop the BNP
- iii) Racism Cuts Both Ways

The Complainant is a corporate entity, limited by guarantee, authorised to undertake campaigns, involving activities and donations, primarily directed at countering the influence of parties perceived as promoting policies, which appear racist or fascist in nature.

Hope Not Hate:

The Complainant has submitted in evidence a selection of publications showing use of HOPE NOT HATE as a campaign name. Some of the examples appear under the Searchlight banner, and some with HOPE NOT HATE itself as the publication title. It is to be noted that in most cases there is a footnote or other sentence stating that the document is "Promoted, published and printed by Searchlight Information Services Ltd".

The evidence submitted by the Respondent also includes information specifically stating that "the main rôle of SIS is the delivery of our award winning Hope Not Hate campaign". Although, it is clear that SET also contributed support for the campaign on the educational side.

The content on the websites at [www.hopenothate.org.uk](http://www.hopenothate.org.uk) and [www.hopenothate.co.uk](http://www.hopenothate.co.uk) clearly relate to the Complainant's campaign.

The Complainant has not asserted any claim to registered trade mark rights, and the Respondent has drawn attention to the fact that an application to register "HOPE not hate" had been withdrawn. However, the Expert is satisfied that the Complainant would have unregistered common-law rights as a consequence of its use of the designation in relation to its services, and that there is clear evidence of public recognition and support demonstrating established goodwill in the name.

Consequently, the Expert considers that the Complainant has Rights in respect of a name or mark, which is identical or similar to the Domain Names [hopenothate.org.uk](http://hopenothate.org.uk) and [hopenothate.co.uk](http://hopenothate.co.uk).

Stop the BNP:

The Complainant has provided some, more limited evidence of use of this name, and the Respondent has acknowledged that the name was actively used for campaigning at least from 2002-2006. It is also stated on the website at [www.stoptheBNP.org.uk](http://www.stoptheBNP.org.uk) that "Stopthebnp.com [sic] was Searchlight Information

Services Ltd campaigning website from 2002-2006. In 2007 Searchlight teamed up with the Daily Mirror and a number of Trade Unions to create HOPE not hate to celebrate Britain's diverse society while exposing the extremism behind the BNP."

On the balance of probability, therefore, the Expert also considers that, at the time of registration of the Domain Name stoptheBNP.org.uk, the Complainant would likewise have established some common law rights in Stop the BNP, and would probably also retain some residual goodwill to the present day by virtue of its longstanding campaigning activities.

Consequently, the Expert is prepared to accept that the Complainant has Rights in respect of a name or mark, which is identical or similar to the Domain Name stoptheBNP.org.uk.

Racism Cuts Both Ways:

In this case, the Expert believes that the Complainant's assertion of rights is more contentious and less convincingly supported.

The principal difficulty is that 'Racism Cuts Both Ways' is admitted to be, and is likely to be recognised by activists and others with an interest in SIS and its campaigns as being, a slogan used as the title of a BNP pamphlet. As such, the uses by SIS would be perceived as referential, and as having been done to offer a critique of the BNP's contentions in that pamphlet. The webpages in evidence from [www.racismcutsbothways.org.uk](http://www.racismcutsbothways.org.uk) and [www.racismcutsbothways.co.uk](http://www.racismcutsbothways.co.uk) both refer to the 'BNP's Racism Cuts Both Ways campaign' (or 'initiative').

In the Expert's view, therefore, Racism Cuts Both Ways is not a slogan which would be recognised as having any distinctive association with, nor as generating goodwill for, the Complainant.

Consequently, in this case, the Expert is not persuaded that the Complainant has Rights in respect of a name or mark, which is identical or similar to the Domain Names [racismcutsbothways.org.uk](http://racismcutsbothways.org.uk) and [racismcutsbothways.co.uk](http://racismcutsbothways.co.uk).

### **Abusive Registration**

The Complainant also has to show that a disputed Domain Name is an Abusive Registration. Paragraph 1 of the Policy defines "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) has been used in a manner, which took unfair advantage of or was unfairly detrimental to the Complainant's Rights.

A non-exhaustive list of factors which may be evidence that a Domain Name is an Abusive Registration are set out in Paragraph 3a of the Policy, of which the one example pertinent to the present case is at 3a(v) that:

v. The Domain Name was registered as a result of a relationship between the Complainant and the Respondent, and the Complainant:

A has been using the Domain Name registration exclusively; and  
B paid for the registration and/or renewal of the Domain Name registration.

This example was first introduced in Version 2 of the Policy from October 2004 and was meant to apply in cases where there has been some breakdown in the original relationship between Complainant and Respondent, and where the original intent of that relationship has been frustrated with some unfairly detrimental consequence for the Complainant, notwithstanding that it is the Complainant (and not the Respondent) which is actually making “use” (in any ordinary sense of the word) of the Domain Name at issue.

As has been considered previously (e.g. in DRS 02242 BAE Systems PLC v. Natasha Sime), this does require some stretching of the ordinary interpretation of Paragraphs 1(i) and (ii), but the intent of the framers of the Policy is clear.

The wording of Paragraph 1(ii) “*has been used in a manner, which took unfair advantage of or was unfairly detrimental to the Complainant’s Rights*” is therefore to be construed as encompassing situations where the “use” is to be considered as unfair to the Complainant’s Rights because the Domain Name is not actually registered in the Complainant’s name, when the original expectation was that it would be so registered and, while in the hands of the Respondent, is unfairly out of the Complainant’s control.

In the Expert’s opinion, that is the situation in the present dispute.

The Respondent was the principal driving force behind the various Searchlight businesses, which appear to have been long-maintained and promoted through the personal commitment of Mr & Mrs Gable themselves. It is entirely understandable, therefore, that Mr Gable should perceive himself as embodying the interests of all the Searchlight businesses in one way or another, and so to claim that the Domain Names were all registered for him personally.

It is also understandable that, so long as everyone in the various organisations shared a common purpose and cooperated to that end, such technicalities as in whose name a domain name was formally registered were not a matter for any particular concern. Unfortunately, as in the present case, it is only when a dispute arises that these ‘technicalities’ do become an issue.

Notwithstanding the Respondent’s assertions, when a person is responsible for running a business, there is an essential obligation to act for the business and not for a personal interest at the expense of the business. The responsibility to act appropriately for a particular business is surely all the more important, as in the present case, when the parties concerned are involved in several businesses with

different objectives and legal restrictions. Here SIS was a company limited by guarantee set up to receive outside funding and licensed to conduct political campaigning; SET was a charity, set up for educational purposes (and so not permitted to engage in political campaigning); and SM was a private limited company set up to run the Searchlight magazine.

As he was a director of the Complainant at the time the Domain Names were registered, primarily for campaigning purposes to be undertaken by SIS, the Respondent, would have been under a statutory, fiduciary duty to act in the interests of the company and its members as a whole, and not just for himself personally.

It may have been convenient for the organisation to use their existing IT contact and account to handle that work, and understandable that the IT contact should, as the Complainant has stated, simply have registered the Domain Names in the Respondent's name, "as the long-respected titular head of the organisations, without consideration of the potential legal issues". However, in the Expert's opinion, such a casual – and arguably sloppy - administrative practice does not relieve the Respondent of his own responsibilities. As a principal officer of the company, the Respondent was undoubtedly obliged to hold the Domain Names, which were registered primarily for campaigning purposes, on trust for the Complainant.

The evidence is that, to the extent that the Respondent incurred personal expenses in relation to the registration and use of the Domain Names, he was reimbursed by the Complainant for those expenses. (If he omitted to obtain any reimbursement that might have been due, that may be a separate issue for the parties to resolve, but it does not entitle him to claim now that the Domain Names were originally acquired, and should continue to be held, for himself and not for the Complainant. That would also be inconsistent with his original duties as a director of the Complainant at the relevant time.)

For political campaigning, there are legal obligations to identify the party (legal or natural person) responsible for publishing campaign literature and similar obligations on companies in general to properly identify themselves in printed matter and online. Potential liabilities may follow in respect of actions taken and statements made in publications. The Expert has little doubt that the possibility of such potential liabilities arising would have been a good and sensible motivation enough for Mrs Gable to write her various emails to the IT consultant, and honestly reflected the Gables' recognition at that time that the hopenothate.org.uk domain should be in the name of SIS rather than Mr Gable personally, and that a reference to 'Searchlight' alone on the website was "...legally ambiguous and may suggest to readers that the website belongs to Searchlight magazine or SET". The Respondent himself has also stated: "As the website was used for the purpose of political campaigning, it was more appropriate to assign the website to SIS than to SET or SM (which had its own website)".

The Respondent has also claimed that, in the Compromise Agreement, the Gables had agreed to transfer their shares in Hope Not Hate Limited so that SIS could change its name to Hope Not Hate Limited. However, this is not an explicit requirement of the Compromise Agreement (which also lacks a 'sole agreement' provision) and so, in the Expert's view, contrary to the Respondent's assertions, must indeed be indicative of the existence of some wider 'understanding' underlying the Compromise Agreement.

In this respect the Expert finds the Complainant's contentions to be more convincing.

The Respondent is now no longer a director of the Complainant. In these circumstances, it is unjustifiable, and takes unfair advantage of the Complainant's Rights, for the Respondent to continue to deny the Complainant control of the various Domain Names, in which the Complainant has relevant Rights, when those Domain Names were dutifully registered in the name of the Respondent, for the Complainant's primary use and benefit, when he was a director.

For these reasons, for the purposes of the Policy, the Expert concludes that each of the Domain Names, hopenothate.org.uk, hopenothate.co.uk and stopthebnp.org.uk, in the hands of the Respondent, is an Abusive Registration, consistent with Paragraph 3a(v) of the Policy. (The Expert would have been minded to hold similarly with respect to the Domain Names racismcutsbothways.org.uk and racismcutsbothways.co.uk, but as the evidence was insufficient to persuade the Expert that the Complainant had appropriate Rights with respect to 'Racism Cuts Both Ways', this point is moot.)

## **7. Decision**

Having concluded that the Complainant has relevant Rights in 'Hope Not Hate' and in 'Stop the BNP', and that each of the following Domain Names, in the hands of the Respondent, may be characterised as an Abusive Registration for the purposes of the Policy, the Expert orders that the Domain Names hopenothate.org.uk, hopenothate.co.uk and stopthebnp.org.uk be transferred to the Complainant. As the evidence is insufficient to satisfy the Expert that the Complainant has relevant Rights in respect of 'Racism Cuts Both Ways', the Expert orders that no action be taken with respect to the remaining two Domain Names, racismcutsbothways.org.uk and racismcutsbothways.co.uk (notwithstanding that both might otherwise have been held to be Abusive Registrations for the purposes of the Policy).

**Signed .....**  
**Keith Gymer**

**Dated 10 January, 2013**