

DISPUTE RESOLUTION SERVICE

D00013904

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

The Avalon Trustee Company Limited

and

Roger Murdoch

1. The Parties:

Lead Complainant: The Avalon Trustee Company Limited
Brooke Court
Lower Meadow Road
Wilmslow
SK9 3ND
United Kingdom

Respondent: Roger Murdoch
16 Sandyknowes Rd
Cumbernauld
North Lanarkshire
G67 2PG
United Kingdom

2. The Domain Name(s):

avalonfuneralplansltd.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 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 avalonfuneralplansltd.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 (optional)

The Complaint is barely 9 lines long, with no supporting material other than the address of the Complainant's website. It fails to address the requirements of establishing Rights and Abusive Registration under the DRS Policy in any meaningful way. The Complainant was warned by Nominet of the lack of substance or supporting evidence, and given a chance to withdraw or add to the Complaint before it was sent to the Respondent, but failed to do either. It was also referred to the Experts Overview, and material available through Nominet's website which make it clear that the onus is on the Complainant to substantiate its case, and not just to make bare assertions. It would appear also to have ignored this material. In the circumstances the Expert is not prepared to find in the Complainant's favour, even where (as in this case) there has been no response.

8. Decision

Transfer
Cancellation
Other (please state)

No action
Suspension

Signed: Bob Elliott

Dated: 2 April 2014