



DISPUTE RESOLUTION SERVICE

DRS 19125

Decision of Independent Expert (Summary Decision)

MoreNiche

Complainant

and

Rumaisa Munir

Respondent

1 The Parties

Complainant:	MoreNiche
Address:	124, JOC Business Centre Archiep. Makariou III Kiti 7550 Larnaca Cyprus

Respondent:	Rumaisa Munir
Address:	A517, Aashiana Apartments Block-9, Clifton Karachi Sindh Pakistan

2 Domain Name

phenq.co.uk (the "Domain Name")

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 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)

1 Paragraph 2.1.1 of the DRS Policy requires a Complainant to prove that it "*has Rights in respect of a name or mark which is identical or similar to the Domain Name*", i.e. in this case, *phenq.co.uk*.

2 "Rights" are defined in paragraph 1 of the Policy as "*rights enforceable by the Complainant, whether under English law or otherwise*" (emphasis added).

3 The Complainant is MoreNiche. MoreNiche has failed to demonstrate that it has any such Rights enforceable by it. It alludes to a "trademark (sic) owner", but does not mention who that might be or what trade mark(s) any such trade mark owner might own.

4 Accordingly, the Complaint fails.

8 Decision

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

David Engel

Signed:

Dated: 12 September 2017