

DISPUTE RESOLUTION SERVICE

D00022018

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

Dell Inc.

and

Tom Holland

1. The Parties:

Complainant: Dell Inc.
One Dell Way
RR1-33
Round Rock
Texas
TX 78682
United States

Respondent: Tom Holland
Apartment 7453, Chynoweth House
Trevisson Park, Blackwater
Truro
Cornwall
TR4 8UN
United Kingdom

2. The Domain Name:

dellspares.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 dellspares.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)

Following <Toshiba-laptop-battery> (DRS 7991) – use of “Dell” is not automatically unfair and depends on the facts
No evidence of actual confusion produced
No apparent “initial interest confusion” from the website at the domain
Website at the domain is not being used to sell any competing products
Respondent does not appear to be attempting to gain an unfair advantage
No attempt to disrupt the Complainant’s business
Domain is descriptive of a site that could genuinely be used to sell spare parts for Dell equipment

8. Decision

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

Signed: Simon Sellars Dated: 6 December 2019