



**URS | DETERMINATION**  
(URS Procedure 9, URS Rules 13)

**URS DISPUTE NO. A75D6EBE**

Determination DEFAULT

**I. PARTIES**

Complainant: Royalmail Group Limited, UK  
Complainant's authorized representative(s): Dac Beachcroft Llp, UK

Respondent: Nathan Khider, UK

**II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR**

Domain Name(s): royalmail.london  
Registry Operator: Dot London Domains Limited  
Registrar: Host Europe Group

**III. PROCEDURAL HISTORY**

Complaint submitted: 2016-02-15 11:17  
Lock of the domain name(s): 2016-02-16 18:50  
Notice of Complaint: 2016-02-18 13:42  
Default Date: 2016-03-04 00:00  
Default notice: 2016-03-04 15:49

**IV. EXAMINER**

Examiner's Name: Wilson Pinheiro Jabur

The Examiner certifies that he has acted independently and impartially and to the best of his/her knowledge has no known conflict in serving as the Examiner in this administrative proceeding

**V. RELIEF SOUGHT**

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

**VI. STANDARD OF REVIEW**

Clear and convincing evidence.

**VII. DISCUSSIONS AND FINDINGS**

## **A. Complainant:**

The Complainant asserts to be the owner of several trademark registrations for “ROYAL MAIL” which are identical to the disputed domain name. It further asserts to be a leading provider of postal and delivery services in the United Kingdom, being an extremely well-known company nationally and internationally with a history dating nearly 500 years.

On the Complainant’s point of view the Respondent does not have any legitimate right or interest to the disputed domain name since he does not trade as “Royal Mail”, nor is he known as such within his trade or has he been provided with license or permission to use the Complainant’s trademark.

As to the registration and use of the disputed domain name in bad faith, the Complainant asserts that the Respondent, by using the disputed domain name, intentionally attempted to attract for commercial gain, Internet users to his website, by creating a likelihood of confusion with the Complainant’s mark as to source, sponsorship, affiliation, or endorsement of his website. Moreover, the Complainant’s trademark is not generic and is the main name of the Complainant, which is nearly 500 years old.

Lastly, the Complainant states that it sent a cease and desist letter and two subsequent reminders to the Respondent seeking to solve the matter amicably but have not received any reply from him, nor any plausible explanation for his use of the disputed domain name, what further corroborate with the Respondent’s intent of free riding on the Complainant’s goodwill and therefore requests the disputed domain name to be suspended.

## **B. Respondent:**

The Respondent did not reply to the Complaint.

## **C. Procedural findings:**

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

## **D. Findings of fact:**

The disputed domain name <royalmail.london> was registered on September 09, 2014. Internet users are redirected to <npcestates.com> a website relating to real estate appraisal and intermediation in London.

The Complainant has shown trademark rights over the expression “ROYAL MAIL” (Annex 8 to the Complaint).

## **E. Reasoning:**

In spite of Respondent’s default, URS Procedure 1.2.6 requires the Complainant to make a *prima facie* case, showing clear and convincing evidence for each of the three elements so as to have the disputed domain name suspended.

### **1. The domain name is identical or confusingly similar to a word mark**



The Complainant is the owner, among others, of the UK trademark registration No. UK00002567872 for the word mark “ROYAL MAIL” registered on September 16, 2011 to cover goods and services in classes 09, 16, 35, 38, 41 and 42 (Annex 8 to the Complaint).

The domain name is identical to the Complainant’s trademark. The TLD .london can even add likelihood of confusion since the Complainant is established in that city.

The Examiner thus finds that the complaint meets the requirement of the URS 1.2.6 (i).

## **2. Respondent has no rights or legitimate interests to the domain name**

The Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to the URS, any rights or legitimate interests in the disputed domain name. Nevertheless, the burden of proof is still on the Complainant to make a *prima facie* case against the Respondent.

In that sense, the Complainant indeed asserts that it has not authorized the Respondent nor granted him a license or permission to register the disputed domain name or use its trademarks.

Also, the lack of evidence as to whether the Respondent is commonly known by the disputed domain name or the absence of any trademarks or trade names registered by the Respondent corresponding to the disputed domain name, corroborate with the indication of the absence of a right or legitimate interest.

Under these circumstances and absent evidence to the contrary, the Examiner finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name and has therefore met the requirement of the URS 1.2.6 (ii).

## **3. The domain name(s) was(were) registered and is(are) being used in bad faith**

The Respondent, in redirecting Internet users to his webpage in which real estate services are offered in the city of London clearly confirms that he must be aware of the Complainant, a well-known postal service, in existence for half a millennia.

Such use in this Examiner’s point of view may create a likelihood of confusion with the Complainant’s mark as to source, sponsorship, affiliation, or endorsement of his website and therefore does not qualify as a *bona fide* use. Moreover, as the Complainant points out its trademark is not generic and is the main name of the Complainant.

Lastly, the cease and desist letter and two subsequent reminders sent to the Respondent seeking to solve the matter amicably without any reply from him, nor any plausible explanation for his use of the disputed domain name further corroborate with the finding of bad faith use and registration of the disputed domain name, having the requirement of the URS 1.2.6 (iii) also been met.

## **4. Abusive Complaint**

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

## **VIII. DETERMINATION**

### A. Demonstration of URS elements

Demonstrated

### B. Complaint and remedy

Complaint: Accepts

Domain Name(s): Suspends for the balance of the registration period

### C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

### D. Publication

Publication: Publish the Determination

## **SIGNATURE**

Name: Wilson

Surname: Pinheiro Jabur

Date: 7 March 2016