

DISPUTE RESOLUTION SERVICE

D00023447

Decision of Independent Expert (Summary Decision)

Savage Jewellery ltd

and

Junaid Mansoor Ali

1. The Parties:

Complainant: Savage Jewellery ltd
Office 7
35-37 Ludgate Hill
London
EC4M 7JN
United Kingdom

Respondent: Junaid Mansoor Ali
5th FLR Ibrahim Ali Bhai Tower
Opp Crown Plaza
Sh-e-faisal
Ka
Karachi
Sindh
74000
Pakistan

2. The Domain Name:

savagejewellery.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

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

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name `savagejewellery.co.uk` is an abusive registration

No

6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances

Yes

1. 7. Comments (optional)

The Complainant, Elise Savage, registered the company name "Savage Jewellery" under which she conducts a jewellery business. The Expert accepts that the Complainant has demonstrated a *bona fide* basis for making the Complaint and, thus, has Rights within the meaning of the Policy as her business name incorporates in its entirety her lawful surname "Savage".

The Expert rejects, however, the Complainant's allegations of abusive registration. From the limited documentary evidence adduced, it appears that the Complainant contracted with the Respondent web designer to construct a website for the Complainant's SAVAGE JEWELLERY business. Ownership of the domain name and website was to be transferred to the Complainant contingent upon payment in full of the contractual amount of £799.99, whereas the evidence shows the Complainant paid the lesser sum of £500.00 only.

The particulars of the commercial relationship between the parties are unclear from the limited documents adduced. The Complainant asserts she was "conned" by the Respondent, but alleges only that the work contracted for was never completed.

The Complainant has not proven to the Expert's satisfaction that the Respondent lacks a legitimate claim to the disputed domain name under the circumstances – at least pending full payment by the Complainant of the agreed contractual sum.

8. Decision

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

Signed:

A handwritten signature in blue ink, appearing to be 'V. K. S.', written over a horizontal line.

Dated: 19 MARCH 2021