

DISPUTE RESOLUTION SERVICE

D00024167

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

Tarmac Group, including Tarmac Trading Limited

and

Fundacion Comercio Electronico

1. The Parties:

Complainant: Tarmac Group, including Tarmac Trading Limited
Freeths LLP
The Colmore Building
20 Colmore Circus
Queensway
Birmingham
West Midlands
B4 6AT
United Kingdom

Respondent: Fundacion Comercio Electronico
Calle 74 y Ave.
Panama City
NA
Panama

2. The Domain Name:

tarmacbluecircle.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 tarmacbluecircle.co.uk is an abusive registration

Yes

6. Other Factors

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

Yes

7. Comments

The disputed domain name incorporates the Complainant's two marks, TARMAC and BLUE CIRCLE, rendering it likely that an inference may be drawn by internet users that the Respondent's domain is associated with the business of the Complainant in some capacity in what is known as "initial interest confusion". This capacity for deceiving and confusing, at least initially, visitors who come upon the domain that the domain is somehow connected with the Complainant, which is untrue, provides grounds for a finding of an Abusive Registration.

8. Decision

I grant the Complainant's application for a summary decision. In accordance with section 12 of the Policy, the domain name will therefore be transferred to the Complainant.

Signed:

A handwritten signature in blue ink, consisting of several stylized, overlapping loops and lines.

Dated: 13 December 2021