

## **DISPUTE RESOLUTION SERVICE**

**D00024395**

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

**Boiler Medic**

and

**Svetmar Interiors Ltd**

### **1. The Parties:**

Complainant: Boiler Medic  
31 Broomfield House  
Lanswood Park  
Broomfield Road  
Elmstead  
COLCHESTER  
Essex  
CO7 7FD  
United Kingdom

Respondent: Svetmar Interiors Ltd  
31A Church Lane  
Leytonstone  
E11 1HG  
United Kingdom

### **2. The Domain Name:**

boilermedics.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 boilermedics.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 (optional)**

The Complainant has Rights in the name BOILER MEDIC, having conducted business under that name since 2009 using the domain name <boilermedic.com> and the Domain Name <boilermedic.co.uk>, which it registered on 7 April 2009 and 5 September 2010, respectively. The Complainant subsequently registered its BOILER MEDIC mark.

The Respondent commenced a competing electrical boiler and heating engineering business in the same geographic proximity as that of the Complainant and registered the domain name <boilermedics.com> and the Domain Name <boilermedics.co.uk> in 2016. The content of the Respondent's website, to which the Domain Name <boilermedics.co.uk> resolves, is substantially similar to the Complainant's website.

The Domain Name is an exact match for the name in which the Complainant has Rights, but that an “s” is added at the end. The Respondent has no reasonable justification for having registered the Domain Name except to unfairly compete and take advantage of the Complainant’s reputation and goodwill in the name. I find the Respondent’s registration of the Domain Name was 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:



Dated: 2 March 2022