

# **DISPUTE RESOLUTION SERVICE**

**D00024866**

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

**Rumbletums (Kimberley) Ltd**

and

**A3 Media UK**

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

**Complainant:** Rumbletums (Kimberley) Ltd  
2a Victoria Street  
Kimberley  
Nottingham  
NG16 2NH  
United Kingdom

**Respondent:** A3 Media UK  
Unit D Mercury Court Daniels Way  
Nottingham  
Nottinghamshire  
NG15 7LL  
United Kingdom

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

rumbletums.org.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 rumbletums.org.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**

I am satisfied that the Complainant, a charitable organization registered as corporation number 07514873 on 2 February 2011, has been active since at least 2 July 2011 and enjoys common law rights in the trade mark "RUMBLETUMS".

I am further satisfied that the Respondent, a corporation registered as corporation number 07697737 on 8 July 2011, was compulsorily stricken off and dissolved on 22 October 2013.

A WHOIS search reflects that the domain name was registered on 3 January 2012 and that the registration was updated on 4 December 2021 for a further 2-years. The identity of the current registrant (or, indeed, the prior registrant) has not been established. The Complaint alleges only that "several years ago A3 Media UK" registered the domain name and that the email address used was [info@a3mediauk.co.uk](mailto:info@a3mediauk.co.uk). The Complaint does not allege whether, and if so when, the Complainant registered the domain name.

I presume from the available facts that the original registration of the domain name lapsed and that someone other than the Complainant registered the domain name, at least as recently as 4 December 2021 when the registration was updated. I find that the lack of clarity on the point is not fatal to the Complainant's case in any event.

The Complainant has shown to my reasonable satisfaction that the domain name is an Abusive Registration. See, e.g., *Rainton and Mr. George Benson*, DRS 19234 (9 October 2017).

## 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, appearing to be 'M. J. Smith', written over a horizontal line.

Dated:

13 August 2022