

**DISPUTE RESOLUTION SERVICE**

**D00012248**

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

**Blue Glass Interactive Limited**

and

**Mr Ben Peters**

**1. The Parties:**

Lead Complainant: Blue Glass Interactive Limited  
MacMillan House  
Paddington Station  
London  
W2 1FT  
United Kingdom

Respondent: Mr Ben Peters  
10 Frobisher terrace  
Falmouth  
Cornwall  
TR11 2NB  
United Kingdom

**2. The Domain Name(s):**

blueglass.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 paragraphs 2 and 4 of the Procedure.

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 blueglass.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. No  
(see comments below)

**7. Comments (optional)**

While the trade mark relied upon appears to be distinctive and the coincidence of the registration of the disputed domain name and the commencement of the Complainant's use of the identical trademark in the United Kingdom in 2012 require explanation, the Complainant has not furnished sufficient evidence to prove Abusive Registration on the part of the Respondent to allow the Complainant to succeed.

In particular there is insufficient evidence of rights acquired either by the Complainant or by its parent corporation in the United States of America in the BLUE GLASS trademark relied upon that pre-date the registration of the disputed domain name on 29 April 2012

The Complainant was incorporated in the United Kingdom on 12 October 2012.

The device service mark BlueGlass, registration number 2630392 was registered for services in class 35 on 02 August 2012 and is owned by the Complainant's parent corporation Blue Grass Interactive Inc.

The Complainant has not provided any evidence that might indicate that either itself or its parent corporation acquired earlier rights at common law in the Blue Grass service mark. The Complainant relies on reports of its business use of the BLUE GRASS trademark and refers to two websites. There is no evidence of use that predates the registration of the domain name on 29 April 2012. In fact the blog on

the website at <http://econsultancy.com/uk/blog/11242-content-and-curation-are-changing-integrated-digital-marketing> is dated 03 December 2012  
the report on the website at <http://techcrunch.com/2012/11/15/blueglass-interactive-expands-international-presence-with-acquisition-of-london-based-agency-quattro/> is dated Thursday, November 15th, 2012.

## **8. Decision**

No action

Signed:

Dated: 4 February 2013

James Bridgeman  
Expert