

NOMINET UK DISPUTE RESOLUTION SERVICE

DRS 01281

DOCTORS.NET.UK LIMITED

- AND -

DR. RITA PAL

RE: DOCTORSNET.ORG.UK

Decision of Independent Expert

Parties:

Complainant: Doctors.net.uk Limited

Represented by: Manches Solicitors
3 Worcester Street
Oxford
OX1 2PZ

Respondent: Dr. Rita Pal
KarmaWorks
PO Box 8553
Sutton Coldfield
A1 1AA¹

Represented by: Unrepresented.

Disputed Domain Name: doctorsnet.org.uk

Abbreviations used in this decision:

Abbreviation	Definition
The Domain Name	doctorsnet.org.uk
DRS	Nominet UK's Dispute Resolution Service

¹ This appears to be a false post code

Abbreviation	Definition
DRS Policy	Nominet UK's Dispute Resolution Service Policy
DRS Procedures	Nominet UK's Dispute Resolution Service Procedures
The Expert	Kirsten Houghton

Procedural Background:

1. The Complaint was lodged with Nominet on 15th September 2003 and hard copies were received on the same day. The details of the Complaint were extremely sparse (1 paragraph of 125 words), and no attachments were included.
2. Nominet validated the Complaint on 17th September 2003.
3. On 17th September 2003, Nominet sent the complaint to
 - (a) The Respondent's address by post;
 - (b) By fax to the Respondent's fax number listed in Nominet's database
 - (c) By e-mail to the Respondent's email address listed in Nominet's database and
 - (d) By e-mail to postmaster@doctorsnet.org.uk.
4. The Respondent acknowledged receipt of the complaint by e-mail on 17th September 2003. On 22nd September 2003, the Respondent asked for details of Nominet's procedures for obtaining further and better particulars of the Complaint. On 30th September 2003, Nominet responded that it was unable to ask complainants for further information.
5. The Respondent submitted a detailed response to Nominet, which was received on 8th October 2003, in accordance with the time limits set out in the DRS Procedures (Rule 5(a)) and a 1 day extension permitted by Nominet.

Nominet has noted in my papers that the Response was “non-standard” without stating in what manner it is so². I have not been able to identify any obvious irregularity, and I have treated the Response as a compliant document.

6. The Response was transmitted to the Complainant on 9th October 2003. The Complainant then instructed solicitors, who filed a substantial Reply on 16th October 2003.
7. Mediation was apparently attempted and failed. I have not been provided with any details of the mediation process.
8. On 10th November 2003, the Complainant paid the fee in order to obtain a decision of an independent expert.
9. On 12th November 2003, I confirmed to Nominet that I knew of no reason why I could not properly accept the invitation to act as expert in this case and further confirmed that I knew of no matters which ought to be drawn to the attention of the parties, which might appear to call into question my independence and/or impartiality.

Outstanding Formal/Procedural Issues (if any):

10. None. The Respondent has raised the question whether the lack of provision of any mechanism to enable the provision of further and better particulars prior to serving the Response is a breach of Article 6 of the European Convention on Human Rights, and the Human Rights Act 1998. The provisions of the Human Rights Act only apply to public authorities and to persons “certain of whose functions are of a public nature.” It is, in my view, outside the scope of the DRS to determine these issues however:
 - (a) The nature of the DRS is a summary one; if the complainant does not present a properly reasoned and supported case, it is unlikely to discharge the burden of proof upon it and

² It may be that the Response was not sent in electronic form as required by DRS Procedure Rule 5(c) s

- (b) The DRS Procedure provides for the expert to be able to request further information and clarification from either party, when the matter comes for decision.
11. Further, I note that the Respondent was, in fact, able to present a fully reasoned Response without the benefit of any further information.

The Facts:

(1) The Parties – the Complainant

12. The Complainant is an English company whose primary business is the operation of an internet portal for members of the medical profession. Its principal URL is www.doctors.net.uk, and the URL www.doctors.org.uk also links to the site. I am told that 81% of the doctors registered with the General Medical Council are members of the Complainant's site (92,000 doctors) and that there are 14,000 student members. Each of these members is given an e-mail address@doctors.org.uk. and the site provides news, advertising for jobs and discussion fora.

(2) The Parties - the Respondent

13. I have been told very little about the Respondent. She is a doctor, and registered the site under the name "KarmaWorks". Material published on various sites with which she appears to be connected suggests that she is something of thorn in the side of the medical establishment. She was the respondent in DRS 01056 (generalmedicalcouncil.co.uk).

(3) The Complainant's rights

14. This complaint concerns the domain name "doctorsnet.org.uk". Rule 1 of the DRS Policy and the DRS Procedures both define "Domain Name" as "... *a Domain Name registered in any sub-domain of the .uk domain.*" In the circumstances, it is my view that, properly construed, the Complainant has to

there is no evidence in the file to suggest that it was either received by e-mail, or transmitted to the Complainant by e-mail.

establish that it has rights in the name "doctorsnet", as that is the name registered by the Respondent in the .org sub-domain of the .uk domain.

15. The Complaint contained only vague assertions as to the Complainant's rights.

"[the Respondent] Has copied the trade mark "doctors.net.uk" which has been the trading name of Doctors.net.uk limited since 1998. Doctors.net.uk limited has only one trading outlet, which is via the website "doctors.net.uk"

16. The Response challenges the existence of any rights in the Domain Name on a number of grounds:

"The Complainant alleges:

- a. That I have copied the Trade Mark "doctors.net.uk".
 - i. From this, I assume that he is alleging that the whole of the above name, including the "net" and "uk" elements, and, possibly, the delimiting full stops, is a Trade Mark. The Patent Office holds no record of any such registered Trade Mark, leading me to conclude that the Complainant is alleging it to be an unregistered Trade Mark. Yet, despite the Complainant's assertion that their web site is their only trading outlet, said web site makes no reference to the name being a Trade Mark. Nor is any use made of the TM symbol, as is customary in circumstances where an unregistered Trade Mark is claimed
 - ii. According to Section 2(2) of the Trade Mark Act 1994, "*No proceedings lie to prevent or recover damages from the infringement of an unregistered trade mark ay such; but nothing in this Act affects the law relating to paising off.*" Despite this, the Act is useful in describing the attributes that are expected to apply to a Trade Mark. Section 3(1)(c) of the Act provides that "*trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering off services, or other characteristics of goods or services*" shall not be registered. Section 3(1)(d) of the Act goes on to provide that "trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade" shall likewise not be registered. The alleged Trade Mark "doctors.net.uk" represents, in essence, an internet Domain Name, and as such the "net.uk" portions of the name have become customary in the current language and are established practices of the Internet Service Provider trade. Furthermore, in its natural context, this portion of the name indicates, in the trade, a geographical origin of the service (.uk) and designates the kind of service and its intended purpose, together with characteristics of the service (.net) as is commonly understood by the use of the .net Top Level Domain Name. More simply put, these portions of the name indicate that the Complainant's business is an Internet Service Provider based in the UK, as indeed it is. The remaining portion of the name, "doctors" is an entirely generic term and as

such is incapable of distinguishing the services offered by the Claimant, as was determined in JERLY LYNN Trade Mark (1999). It therefore follows that the name "doctors.net.uk" is incapable of becoming a registered Trade Mark, and as such its status as an unregistered Trade Mark must therefore be equally doubtful.”

17. Manches, on behalf of the Complainant, responded as follows:

- “1. The Complainant has traded since 1998 and operates an internet portal for the medical profession. It is the owner of domain names <doctors.net.uk> registered on 18th March 1998 and <doctors.org.uk> registered on 26th February 1998. Both the said domain names are and have at all material times been used to link to its web site at www.doctors.net.uk (Exhibit 1).
2. The Complainant is a membership organisation open to doctors who are registered with the General Medical Council. Of 114,000 such clinicians, a total of 92,000 (or 81 %) are members of the Complainant. The Complainant also has 14,000 student members. The Complainant's site provides discussion forums, education, news, events, jobs and social information to its members.
3. Every member of the Complainant is assigned an e-mail address in the form john.smith@doctors.org.uk and the said -e-mail regime is widely recognised in the medical profession. Further, under contract with the Department of Health, the Complainant bulk distributes e-mail communications for the Department to all of its members or to members with a particular profile. The Complainant makes similar distributions on behalf of pharmaceutical companies and others.
- ...
6. By virtue of the matters set out in paragraphs 1 to 3 above, the Complainant has Rights in the name and mark DOCTORS.NET.UK. As a result of the Complainant's activities over the past five years, the name has become exclusively associated with the Complainant, its website and its services in the minds of members of the medical profession, the Department of Health and pharmaceutical companies, other individuals dealing with the medical profession and the public generally. The name and mark DOCTORS.NET.UK is not "wholly descriptive" for the purposes of paragraph 1 of the Policy. Owing to the matters referred to above, the name and mark have a meaning which is distinctive of the Complainant. It is trite law that names are protectable in such circumstances, inter alia, under the law of passing off.
7. The Domain Name is <doctorsnet.org.uk>. Ignoring the formal second-level suffix .org, the Domain Name is identical to the Complainant's name and mark DOCTORS.NET.UK but for the first full stop, which should be ignored for these purposes. The Respondent's contention that <doctorsnetuk.org.uk> could be identical to the Complainant's name and mark, but the Domain Name is not, is a spurious and unduly technical argument. The Respondent has done nothing more than insert the .org suffix into the Complainant's name and mark.
8. Alternatively, the Domain Name is self-evidently similar to the Complainant's name and mark (paragraph 2(a)(i) of the Policy).”

18. I am prepared to accept that the Complainant has common law rights in the name “doctors.net.uk”, which it could protect by way of passing off proceedings. This name is in common usage and has been so within the medical profession for some 5 years, and it is clear that significant goodwill attaches to it.
19. However, I do not consider that this is necessarily sufficient to establish protectable rights in the domain name for the purposes of the DRS. Under the DRS Policy, a complainant is unable to rely on rights in a name or term which is wholly descriptive of the Complainant’s business. This Complainant’s business is the provision of an internet portal called “doctors.net.uk.” In a broad sense, the name could be said to be wholly descriptive of the Complainant’s business, as suggested by the Respondent. I consider that this interpretation of the Policy would be incorrect, because it would deprive any portal provider ISP complainant of any opportunity to seek to protect its goodwill by way of the DRS Policy, which cannot have been the intention. The true description of the Complainant’s business is as a portal provider ISP to the medical profession, and “doctors.net.uk” is the name of that business.
20. Given that the Complainant does not claim to have rights in a name which is identical to the Domain Name, is the name in which it does claim rights “doctors.net.uk” sufficiently similar to the Domain Name under Rule 2(a)(i) of the DRS Policy to enable the Complainant to establish protectable rights?
21. For this purpose, punctuation in a name (such as hyphens and ampersands) would normally be ignored. However, in my opinion, it is not appropriate to ignore the “dots” in the Complainant’s name, since it is clear that the Complainant’s protected name is pronounced and is intended to be “doctors dot net dot uk” as it is the address of an internet portal. The key issue is, therefore, whether the “dots” and the use of the letters “uk” in the Complainant’s name is sufficient to distinguish the name in which it has rights from the Domain Name (“doctorsnet”, pronounced as it is written) to make it so dissimilar that it does not fall within Rule 2(a)(i).

22. In my view these differences do not make the name so dissimilar that it can be said that the Complainant does not have rights in a name “similar” to the domain name. The essential elements are the same, and the two names, when spoken, still sound extremely similar.
23. In these circumstances, I find, on the balance of probabilities, that the Complainant has rights in a name which is similar to the Domain Name.

(4) *The Complaint*

24. The Complaint is very sparse:

“I believe the website name doctorsnet.org.uk is deliberately similar to doctors.net.uk website and is an abusive registration for the following reasons : 1. Has copied the trade mark "doctors.net.uk" which has been the trading name of Doctors.net.uk limited since 1998. Doctors.net.uk limited has only one trading outlet, which is via the website "doctors.net.uk". 2. Is deliberately aimed at capturing the clients of Doctors.net.uk Limited who have missed out the full stop between doctors and net in trying to reach the "doctors.net.uk" website. 3. The contents of the website doctorsnet.org.uk are derogatory to the directors of Doctors.net.uk Limited and in breach of the copyright rules of the membership of Doctors.net.uk Limited by the person believed to be the main influence behind doctorsnet.org.uk - Dr Rita Pal.”

25. Despite complaining about the inadequate nature of the Complaint and the lack of opportunity to obtain further information and clarification concerning it, the Respondent submitted a very detailed Response. This was answered by a Reply, drafted by Solicitors, which contained a rebuttal of the Response. Despite the lapse of time, the Respondent has not sought to persuade Nominet to allow further submissions, and I therefore assume that her case has been outlined to her satisfaction.
26. However, as a matter of general comment, it is not good practice for a complainant to fight its case by way of Reply. The complainant should make its case as fully as possible from the outset, in its Complaint, in order to allow the respondent to know the case it has to answer. This was not done in this case, and I have a great deal of sympathy with the Respondent’s submissions concerning the ambiguity and vagueness of the Complaint which made sweeping assertions unsupported by any documentary evidence.

27. However, the Respondent was clearly well aware of the nature of the Complaint and answered it fully. In the circumstances, I do not believe that she has suffered any prejudice by the manner in which the Complainant put its case, or in which it replied.
28. The Reply drafted by Manches states as follows:

“Abusive Registration

9. The Respondent is using the Domain Name to link to her website at www.doctorsnet.org.uk (**Exhibit 2**). The purpose of the site is to attack the Complainant and its staff. If and to the extent that the site is “operated solely in tribute to or criticism of a person or business”, it is the Complainant’s primary contention that the Domain Name (not including the first and second level suffixes) is identical to the name in which the Complainant asserts rights, without any addition. In these circumstances, the burden of proof shifts to the Respondent to show that the Domain Name is not an Abusive Registration (paragraph 4(b) of the Policy).
10. Alternatively and in any event, the Complainant is able clearly to establish that the Domain Name in the hands of the Respondent is an Abusive Registration. In particular, the Domain Name was both registered and has been used in a manner which took unfair advantage of, or was unfairly detrimental to, the Complainant’s rights (paragraph 1 of the Policy).
11. The Domain Name is identical, or virtually identical, to the Complainant’s name and mark, without any adornment. In such circumstances, it has been firmly established by the Court of Appeal (*British Telecommunication PLC and Others –v- One in a Million and Others* [1998] 4 All ER 476) and the Nominet DRS Panel, on appeal (*Hanna-Barbera Productions, Inc –v- Graeme Hay* DRS 00389) that unauthorised use will almost inevitably be abusive. In the *Hanna-Barbera* case, which concerned a tribute site linked to the domain name <scoobydoo.co.uk>, the panel held that:
- “For a tribute or criticism site, it is not necessary to select the precise name of the person to whom one wishes to pay tribute or criticise. In this case the domain name could have been “ilovescoobydoo.co.uk” for example.”
12. The panel went on to hold that the unadorned use of the complainant’s name or mark in that way arguably amounted to impersonation. In a case of that nature, substantial numbers of people would have visited the respondent’s site believing the site they were visiting the site of the complainant, a phenomenon referred to as “initial interest confusion”. The panel affirmed that a registration would be abusive either if an unfair advantage is taken or if there is an unfair detriment to the complainant’s rights, and held that, for these purposes, “impersonation can rarely be fair”.
13. In the present case, the Respondent’s selection of the Domain Name represents an impersonation of the Complainant. Were it not the Respondent’s intention to impersonate the Complainant, it was open to her to select a name such as “doctorsnetexposed”, for example, as she has done in another case. Plainly, and notwithstanding her protestations to the contrary, she has chosen the domain name in the hoping of attracting to her site internet users who are intending, in fact, to access the Complainant’s website. Her homepage itself makes reference to those who “have reached these pages while intending to visit Doctors.net.uk”. It also states:

- “For those visitors who have an interest in the background of Doctors.net.uk, whether you arrived at these pages intentionally or by accident, please feel free to look around the site. Follow the links on the left for further information.”
14. By the above text, the Respondent clearly admits (i) that internet users may have been attracted to her site although they were intending to access that of the Complainant, and (ii) that she is inviting those visitors to study the contents of her site (which attacks the Complainant and its staff). A clearer case of taking an unfair advantage, or creating an unfair detriment, would be difficult to imagine.
 15. Without prejudice to the generality of the above, the Complainant relies on the following non-exhaustive factors under paragraph 3 of the Policy as evidence of an Abusive Registration in this case.
 16. The Respondent has registered the Domain Name primarily for the purpose of unfairly disrupting the business of the Complainant (paragraph 3(a)(i)(C) of the Policy). The disruption arises out of the Respondent diverting to her website internet traffic which is intended for that of the Complainant. The unfairness arises because the traffic is diverted owing to the Respondent’s misleading use of the Complainant’s unadorned name and mark.
 17. The Respondent is using the Domain Name in a way which has confused people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant (paragraph 3(a)(ii) of the Policy). The Complainant relies on the likelihood of initial interest confusion as explained above.
 18. In combination with other circumstances indicative of an Abusive Registration, namely those set out above, the Respondent is engaged in a pattern of making Abusive Registrations. The Complainant relies on the decision in *General Medical Council –v- Dr Rita Pal DRS 10156*.
 19. The Respondent claims that her use of the Domain Name falls within paragraph 4(c)(ii)(a) of the Policy, namely, that it is “fair use” for the purpose of tribute or criticism. For the reasons set out above, it is denied that the Respondent’s use of the Domain Name is fair. On the contrary, it takes unfair advantage of, or creates an unfair detriment to, the Complainant’s name or mark.
 20. Insofar as may be necessary, the Complainant relies on the following additional matters as evidence that the Respondent’s use of the Domain Name is unfair. Among other matters:
 - (a) The Respondent’s website copies the Complainant’s mast head, logo and get-up which (notwithstanding the disclaimers provided) infringes the Complainant’s intellectual property rights and further adds to the likelihood of confusion. The Complainant’s “Dn.” logo is a registered Community Trade Mark (number E1402536).
 - (b) The Respondent’s membership of the Complainant was terminated after she repeatedly copied confidential postings from the Complainant’s closed discussion forums into the public domain. She subsequently sought to access the Complainant’s site using other members’ passwords. These matters represented breaches of the Complainant’s rules and undermined the trust and confidence of members in the confidentiality of its site. The Complainant believes that the subsequent setting up of the Respondent’s website was motivated by her bad faith towards the Respondent resulting from these matters. Such use of the Domain Name does not therefore constitute fair use.
 - (c) On her website, the Respondent asserts that the Complainant has “pornographic associations” and states that “Doctors.net.uk have been associated with sites that clearly other doctors would not approve of”. Reference is made to a domain name <hidethepornfromthewife.com>

(Exhibit 3). On close examination it appears that the only connection between the Complainant and that domain name was that the two domain names were registered and hosted by the same internet service provider. Plainly, this represents nothing more than a baseless and malicious attempt to slur the Complainant and is further evidence that the Respondent's use of the Domain Name is unfair.

(5) Discussion and findings:

29. **Abusive Registration:** The Complainant must establish, on the balance of probabilities, that the Domain Name, in the hands of the Respondent, is an abusive registration. Abusive Registration is defined in the DRS Policy as:

- "... a Domain Name which either:
- (i) was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the complainant's Rights; OR
 - (ii) has been used in a manner which took unfair advantage of or was unfairly detrimental to the complainant's Rights."

30. Clause 3 of the DRS Policy sets out a non-exhaustive list of factors to which I may have regard in determining whether the registration of the Domain Name is abusive in the hands of the Respondent. They include:

- (i) Circumstances indicating that the Respondent has registered or otherwise acquired the Domain Name:
 - A primarily for the purposes of selling, renting or otherwise transferring the Domain Name to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly associated with acquiring or using the Domain Name;
 - B as a blocking registration against a name or mark in which the Complainant has Rights; or
 - C primarily for the purpose of unfairly disrupting the business of the Complainant;
- (ii) Circumstances indicating that the Respondent is using the Domain Name in a way which has confused people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant...
- (iii) In combination with other circumstances indicating that the Domain Name in dispute is an Abusive Registration, the Complainant can demonstrate that the Respondent is engaged in a pattern of making Abusive Registrations; or
- (iv) It is independently verified that the Respondent has given false contact details to us."

31. The Rule 4 of the DRS Policy also provides guidance relating to potential defences:

- (a) A non-exhaustive list of factors which may be evidence that the Domain Name is not an Abusive Registration is as follows:
 - (i) Before being informed of the Complainant's dispute, the Respondent has:
 - (A) used or made demonstrable preparations to use the Domain Name or a Domain Name which is similar to the Domain Name in connection with a genuine offering of goods or services;
 - (B) been commonly known by the name or legitimately connected with a mark which is identical or similar to the Domain Name;
 - (C) made legitimate non-commercial or fair use of the Domain Name; or
 - (ii) The Domain Name is generic or descriptive and the Respondent is making fair use of it.
- (b) Fair use may include sites operated solely in tribute to or criticism of a person or business, provided that if:
 - (i) the Domain Name (not including the first and second level suffixes) is identical to the name in which the Complainant asserts Rights, without any addition; and
 - (ii) the Respondent is using or intends to use the Domain Name for the purposes of a tribute or criticism site without the Complainant's authorisationthen the burden will shift to the Respondent to show that the Domain Name is not an Abusive Registration.”

32. Following the scheme of the Reply, the Complainant first contends that the Domain Name is identical to its protectable name, and that, therefore, Clause 4(b) should operate so as to reverse the burden of proof. I do not accept this submission; the names are clearly not identical, as I have set out at length above.

33. However, the names are very similar indeed, particularly if one reads the first and second level suffixes. I have viewed some of the material posted on the website (including “the DoctorsNet Team” which refers to Mr. Neil Bacon, Dr. Danny Tucker and Ms. Michele Wooton of the Complainant in very derogatory terms, and “the DoctorsNet Experiment”). In my view, in relation to at least some of the material posted on the site, it is difficult to accept

anything other than that one obvious effect of the site is to attack the Complainant, its business and its staff. The Complainant asserts that this is the purpose of the site; I have no doubt that the Respondent believes that the text is “fair criticism”, but in my view, on any objective reading, the descriptions of identified professional individuals as (for example) “infamous”, “dipstick”, “side kick”, “raptor like”, of doubtful fitness to advise parents and “poodle” cannot sensibly be viewed as anything but derogatory at the very least. In addition, a quite improper and spurious attempt has been made to link the Complainant to a internet porn site, merely because the two URLs are linked to the same ISP.

34. The Complainant next alleges that the Respondent is “impersonating” it; I do not accept this allegation. Even though the Respondent appears to have used the Complainant’s registered logo, the Respondent’s site is clearly marked on the opening page with a disclaimer (although it is somewhat sneering in tone) and there is a fairly lengthy time delay programmed in to the page to enable users to click to reach the “real” doctors.net.uk site. Further, the material is negative to the Complainant that it would not be possible to characterise the site as an impersonation.
35. The Complainant alleges that the Respondent has registered the Domain Name primarily for the purpose of unfairly disrupting the Complainant’s business. It asserts that the Respondent is diverting traffic to her website which is intended for the Complainant. I do not accept the allegation that the Respondent is diverting traffic deliberately. The URLs are sufficiently different for this to be practically impossible and neither or a Google nor an MSN search using the terms “doctors net” identifies the Respondent’s website either prominently or at all, as far as I can tell.
36. For the same reasons, I reject the Complainant’s allegation that there has been confusion and that members of the public have been led to believe that the Domain Name is connected with the Complainant. In addition, no evidence of any actual confusion has been provided.

37. The Complainant also asserts that the Respondent is engaged in a pattern of making Abusive Registrations, and refers to DRS 1056. In that matter, the Respondent was indeed found to have made an abusive registration of the name generalmedicalcouncil. Curiously, whilst a transfer was ordered, this disputed URL still apparently points to a website run by or connected with the Respondent, and still contains similar content to that described by the expert in that case.
38. The Respondent is also connected with or runs www.nhs-exposed.com. This website contains material which is a very substantial site, run for commercial ends and said to be mainly financed by advertising.
39. However, the content of the nhs-exposed website is informative in this dispute because its content appears to be intended to be an objective and balance set of resources for the medical profession and the general public, even though some of the view expressed might be controversial.
40. By contrast, the content of the generalmedicalcouncil site, and doctorsnet.org.uk is insulting and offensive to the individuals concerned in my view. On any objective reading, the material published on doctorsnet.org.uk concerning the Complainant and members of its staff has not been published with the intention of merely criticising the Complainant, but with a view to undermining the trust and confidence which users of the Complainant's service may have in the Complainant, and with a view to influencing members of the public to view the Complainant, its business and its staff in an unfairly negative way.
41. In the circumstances, I find that the registration of the Domain Name was primarily for the purpose of unfairly disrupting the Complainant's business. I also find that she has been engaged in a pattern of abusive registrations, of which the Domain Name is one.

Decision

42. In all the circumstances, I find that the registration of doctorsnet.org.uk is an Abusive Registration in the hands of the Respondent, and order that the name be transferred to the Complainant.

14th November 2003

KIRSTEN HOUGHTON

Date

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SERVICE

DRS 01281

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