

DISPUTE RESOLUTION SERVICE

D00028760

Decision of Independent Expert

Mr Keiran Nimmo

and

Behrendt Professional Corporation

1. The Parties:

Complainant: Mr Keiran Nimmo
United Kingdom

Respondent: Behrendt Professional Corporation
314-370 Metcalfe Street
Ottawa
ON
K2P 1S9
Canada

2. The Domain Name:

<kn.uk>

3. Procedural History:

The Complaint was filed with Nominet on 17 February 2026. On 18 February 2026, Nominet validated the Complaint and notified the Respondent of the Complaint by post and by email, informing the Respondent that the due date for submission of a Response was 11 March 2026.

The Response was filed on 19 February 2026. Nominet informed the Complainant that the due date for submission of a Reply was 26 February 2026. The Reply was filed on 19 February 2026.

The informal mediation process failed to produce a solution acceptable to the Parties. On 25 February 2026, Nominet informed the Complainant that it had until 11 March 2026 to pay the fee for the decision of an Expert pursuant to paragraph 7 of the Nominet Dispute Resolution Policy (the "Policy"). On 12 March 2026, Nominet informed the Respondent that no Expert decision payment had yet been received. The Respondent subsequently paid Nominet the required fee.

On 19 March 2026, the undersigned, Jane Seager (the "Expert"), confirmed to Nominet that she was independent of each of the Parties and that, to the best of her knowledge and belief, there were no facts or circumstances, past or present (or that could arise in the foreseeable future) that need be disclosed as they might be of such a nature as to call into question her independence in the eyes of one or both of the Parties.

4. Factual Background

The Complainant is a UK-based IT professional. There is no evidence of any registered trade mark or service mark rights held by the Complainant. The Complainant's asserted rights are unregistered and based on his use of his initials as a professional identifier.

The Respondent is incorporated in Ontario, Canada, and is in the business of acquiring and selling descriptive domain names.

The Domain Name was first registered on 19 August 2014. The Domain Name resolves to a landing page on DomainEasy.com offering the Domain Name for sale, with a minimum offer of USD 5,000.

5. Parties' Contentions

5.1. The Complaint

The Complainant asserts unregistered rights in the letters "KN", which are his personal initials and directly derived from his name, Keiran Nimmo. He claims to use the email address "kn@[redacted]" in connection with his professional activities. The Complainant claims that the Domain Name is identical to his identifying sign.

The Complainant submits that the Domain Name constitutes an Abusive Registration because it is identical to his personal identifier; it is explicitly offered for sale, suggesting speculative intent; there is no evidence of legitimate use by the Respondent; two-letter ".uk" domain names are scarce and valuable, increasing the likelihood of speculative registration; and the registration of the Domain Name prevents him from using the Domain Name for his own identity, causing unfair detriment.

The Complainant requests transfer of the Domain Name.

5.2. The Response

The Respondent explains that it is a Canadian business engaged in domain trading. The Domain Name was released by Nominet through a structured process prioritizing rights holders. The Complainant did not apply for the Domain Name during the sunrise periods, indicating no enforceable rights existed at the relevant time. The Respondent subsequently

acquired the Domain Name through auction. The Respondent notes that the Domain Name is currently listed for sale on DomainEasy.com, with no reference to the Complainant or his business.

The Respondent submits that the Complainant has not established enforceable rights in "KN". The Complainant has no registered trade mark or other registered rights in "KN". The evidence submitted in support of a claim of unregistered rights (email address, private Instagram, LinkedIn) is insufficient to establish goodwill or public recognition. The Respondent further argues that initials are not inherently protectable, and "KN" is generic, shared by many, and has multiple unrelated meanings.

The Respondent submits that the Domain Name is not an Abusive Registration. The Respondent asserts that the Domain Name was not registered to target the Complainant; the Respondent had no prior knowledge of him. The Respondent argues that offering the Domain Name for sale is lawful and not abusive unless targeted at the Complainant, which is not the case. The Respondent asserts that passive holding of the Domain Name is not evidence of abuse, and that the scarcity of two-letter domain names is irrelevant to the question of whether the Domain Name is an Abusive Registration. The Respondent argues that there is no confusion or unfair detriment, indeed the for-sale page does not reference the Complainant.

The Respondent requests a finding that the Complainant has engaged in Reverse Domain Name Hijacking ("RDNH"), and submits that the Complainant has no rights, no case for establishing that the Domain Name is an Abusive Registration and is attempting to acquire a valuable domain name for free. The Respondent asserts that the Complainant should have recognized that the Complaint had no prospect of success.

5.3. The Reply

In the Reply, the Complainant argues that he has rights in the initials "KN" under the Policy because they are his personal initials and function as his professional identifier. The Complainant does not claim exclusive global rights or that the Respondent registered the Domain Name with him in mind but asserts that the continued holding and marketing of the Domain Name for sale is unfairly detrimental to his rights. The Complainant acknowledges that domain trading is lawful and that passive holding is not automatically abusive, but contends that in this case, the use of the Domain Name is unfairly detrimental because it is identical to his personal identifier and is not used for any independent purpose. The Complainant also explains that the marketplace listing for the Domain Name requires a high minimum offer, preventing meaningful negotiation, and that using the Policy is a legitimate way to resolve the dispute. The Complainant denies any bad faith or RDNH and remains open to commercial resolution through mediation.

6. Discussions and Findings

Under paragraph 2.1 of the Policy, for the Expert to order transfer of the Domain Name, the Complainant is required to demonstrate, on the balance of probabilities, both of the following elements:

- "2.1.1 The Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name; and

2.1.2 The Domain Name, in the hands of the Respondent, is an Abusive Registration."

6.1. The Complainant's Rights

Paragraph 1 of the Policy states:

"Rights means rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning"

The Complainant does not possess any registered trade mark rights for "KN". The Complainant asserts unregistered rights in "KN" which are his personal initials and directly derived from his name, Keiran Nimmo. As noted above, the Complainant claims that he is commonly known by his initials "KN" in his professional environment and uses the email address "kn@[redacted]" in connection with his professional activities, arguing that this demonstrates goodwill attached to "KN" as a sign identifying him.

In order to establish an unregistered trade mark right, evidence needs to be put before the Expert to demonstrate the existence of the right. This will ordinarily include evidence to show that (a) the Complainant has used the name or mark in question for a not insignificant period and to a not insignificant degree (e.g., by way of sales figures, company accounts etc) and (b) the name or mark in question is recognised by the purchasing trade/public as indicating the goods or services of the Complainant (e.g., by way of advertisements and advertising and promotional expenditure, correspondence/orders/invoices from third parties and third party editorial matter such as press cuttings and search engine results).

The Complainant has provided evidence of his identity and that his initials are indeed "KN". While initials can, in principle, support unregistered rights where they have acquired distinctiveness and goodwill as a source identifier, the evidence here does not show that "KN" is used and recognized by the relevant public as identifying the Complainant's services, as opposed to serving merely as personal initials. The Expert finds that the evidence provided is insufficient to establish enforceable unregistered rights or goodwill in "KN" for purposes of the Policy. The Expert accepts the Respondent's argument that mere possession of initials does not of itself give rise to enforceable rights, and that many individuals could claim the same initials.

For the reasons above, the Complainant has failed to establish Rights in the initials "KN" within the meaning of paragraph 1 of the Policy. In the absence of proven Rights, the Complainant has failed to satisfy the requirements of paragraph 2.1.1 of the Policy.

6.2. Abusive Registration

Although the Complaint fails due to the Complainant's failure to establish Rights within the meaning of paragraph 1 of the Policy and subsequent failure to satisfy the requirements of paragraph 2.1.1 of the Policy, for completeness and in light of the Parties' submissions the Expert considers it appropriate to address whether the Domain Name is an Abusive Registration under paragraph 2.1.2 of the Policy.

Under paragraph 2.1.2 of the Policy, the Complainant bears the burden of demonstrating that the Domain Name, in the hands of the Respondent, is an "Abusive Registration".

Paragraph 1 of the Policy states:

"Abusive Registration means 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. is being or has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights"

Paragraph 5 of the Policy provides non-exhaustive factors to guide this assessment, including whether the registration was undertaken primarily for the purpose of sale to the Complainant (or a competitor) for valuable consideration in excess of out-of-pocket costs, whether there is evidence of a pattern of abusive registrations, and whether the use was intended to confuse Internet users or disrupt the Complainant's business.

There is no evidence that the Respondent targeted the Complainant. The record indicates that the Respondent acquired the Domain Name as part of its domain trading business, and the Complainant acknowledges that the Respondent did not register the Domain Name with him in mind. The landing page merely offers the Domain Name for sale via a third-party marketplace and makes no reference to the Complainant, his name, his initials as a brand, or his business. Paragraph 8.4 of the Policy explicitly acknowledges that trading in domain names for profit, and holding a large portfolio of domain names, are of themselves lawful activities. There is no evidence that the Domain Name was registered primarily for the purpose of selling it to the Complainant (or a competitor) for consideration in excess of out-of-pocket costs within the meaning of paragraph 5.1.1.1 of the Policy, beyond the Respondent's general business practice of domain name trading and a public "for sale" listing open to any potential purchaser.

Similarly, the scarcity of two-letter ".uk" domain names does not, in itself, amount to abuse. The mere fact that such domain names are scarce and valuable does not demonstrate that the Respondent has taken unfair advantage of the Complainant. The Complainant has not shown that the Respondent used the Domain Name to mislead users, divert traffic, or otherwise exploit any goodwill associated with the Complainant's initials "KN". The for-sale landing page does not offer goods or services connected to the Complainant nor does it create a likelihood of confusion as to source. Finally, the Expert considers that the Respondent's account that it obtained the Domain Name through a Nominet release and auction process is consistent with lawful acquisition for investment and resale purposes.

Even if the Complainant had established Rights (which he has not), the evidence does not demonstrate that the Domain Name, in the hands of the Respondent, is an Abusive Registration. There is no persuasive evidence of targeting, intent to trade off the Complainant, confusion, disruption, or other conduct taking unfair advantage of or being unfairly detrimental to the Complainant's Rights within the meaning of the Policy.

The Expert finds that the Complainant has not satisfied paragraph 2.1.2 of the Policy.

6.3. Reverse Domain Name Hijacking

The Respondent has requested a finding of RDNH. A finding of RDNH may be warranted where a complainant has brought a complaint in bad faith, such as to harass the respondent

or to secure the transfer of a domain name using the Policy without a plausible legal or factual foundation, and where the complainant knew or should have known that its case had no realistic prospect of success.

On the record, the Complaint lacked any reasonable basis at the first limb. The Complainant asserted unregistered rights in the initials "KN" but provided no relevant evidence that "KN" functions as a source identifier recognized by the relevant public for goods or services offered by the Complainant. The Complainant therefore failed to satisfy the requirements of paragraph 2.1.1 of the Policy, a defect that should have been apparent prior to filing. Notwithstanding this deficiency, the Complainant advanced an abuse theory premised largely on the identical nature of the Domain Name to his initials, the for-sale listing, and the scarcity of two-letter ".uk" domain names, none of which, without evidence of targeting, confusion, or intent to sell to the Complainant, is capable of establishing an Abusive Registration under the Policy. The Complaint also acknowledged in the Reply that the Respondent did not register the Domain Name with the Complainant in mind and that trading in domain names is, in accordance with the Policy, lawful in itself. In these circumstances, the Expert considers that the Complainant advanced an untenable case on abuse and ignored clear Policy guidance.

The overall picture is of a complainant seeking to obtain a valuable two-letter domain name through a complaint under the Policy without the necessary Rights and without evidence of abusive conduct by the Respondent. The Expert considers that the Complainant knew or ought to have known that absent proof of goodwill in "KN" and absent evidence of targeting, the Complaint had no realistic prospect of success. The Expert finds that bringing this Complaint in the face of those deficiencies constitutes an abuse of process. The Expert also notes that the Respondent has been put to unnecessary time, effort, and expense in investigating the allegations, preparing a Response, participating in mediation, and defending a meritless Complaint.

Accordingly, the Expert finds that the Complaint was brought in bad faith and enters a finding of RDNH.

7. Decision

For the reasons set out above, I find that the Complainant has not established Rights as defined in the Policy in respect of a name or mark which is similar to the Domain Name, and that the Domain Name in the hands of the Respondent is not an Abusive Registration.

The Expert orders that no action be taken in relation to the Domain Name <kn.uk>.

Jane Seager

15 April 2026