

**.ie Alternative Dispute Resolution
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

Decision of Independent Specialist

Case Number: 760

1. The Parties:

Complainant:	Dawn Barry
Respondent:	Patton Wallpapers (Coleraine) Limited

2. The Domain Name(s):

purepaints.ie	("the Domain Name")
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3. Procedural History:

I can confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are 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 in to question my independence in the eyes of one or both of the parties.

The procedural history is as follows:

Action	Comment / date
Dispute received	15 th January 2025
Complaint validated	15 th January 2025
Notification of complaint sent to Complainant	22 nd January 2025
Notification of complaint sent to Respondent	22 nd January 2025
Forum Opened	22 nd January 2025
Complaint Form received	7 th February 2025
Response received	18 th February 2025
Forum Closed	24 th March 2025
Adjudication Started	25 th March 2025
Adjudication Decision Posted	3 rd April 2025
Specialist Decision published	3 rd April 2025

4. Factual Background

- 4.1 The Complainant operates as a seller of high end paints and wallpapers under the name Baileys Interiors, operating from Lisnagry, Co. Limerick, Ireland since 2001, and has been trading online through the domain pure-paint.com since 2019 and purepaint.ie since 2020.
- 4.2 The Respondent, hereafter referred to as the “Registrant”, Patton Wallpapers (Coleraine) Limited, is a company incorporated in Northern Ireland on 1 February 1995, operating from Bushmills Road, Coleraine, Northern Ireland. It was established by the Patton family who had been trading in paint, wallpaper and soft furnishings since the 1980s, with national and international customers.
- 4.3 In 2023 the Registrant began trading online using the brand Pure Paints through the domains purepaints.co.uk, registered on 15 March 2023, and purepaints.ie, registered on 6 October 2023.

5. Parties’ Contentions

Complaint

A summary of the Complaint is as follows:

- 5.1 The complainant contends that the domain purepaints.ie was registered and/or is being used in bad faith by the Registrant.
- 5.2 The complainant contends that:
- 5.2.1 The Complainant has garnered significant recognition in the industry through the Pure Paint, pure-paint.com and purepaint.ie identifiers;
 - 5.2.2 The domain name purepaints.ie is misleadingly similar to the complainant’s identifiers pure-paint.com and purepaint.ie, in which the complainant contends she has clear rights;
 - 5.2.3 The Registrant has no legitimate interests in the domain name purepaints.ie, as their awareness of the complainant’s online business predates their registration of the domain name, and their position as a distributor does not entitle them to utilize a domain that misleadingly reflects the complainant’s identifiers;
 - 5.2.4 The Registrant registered purepaints.ie in bad faith, evidenced by:
 - 5.2.4.1 their awareness of the complainant’s business, demonstrated in communications with Sanderson's (a paint supplier) Irish agent between 15 and 19 April 2022;

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5.2.4.2 misleading advertising through Google Ads and an Irish phone number redirecting to Northern Ireland;

5.2.4.3 exploitation of the complainant's goodwill and reputation for their own financial gain.

5.3 The Complainant tendered in evidence Google Insight messages and Google search results notifying a reduction in traffic from Google, and demonstrating the prominence of the domain name purepaints.ie in response to the search "Pure Paint".

5.4 The Complainant also supplied copy of the correspondence with Sanderson's Irish agent between 15-19 April 2022 which the Complainant contends demonstrates that the Registrant previously fulfilled orders with Sandersons for the Complainant, and which the Complainant further contends demonstrates that the Registrant leveraged this position to gain valuable awareness and insight into the Complainant's market presence and customer base while directly profiting at her expense.

5.5 The Complainant further tendered in evidence correspondence between the Complainant and a local customer dated 31 January 2025 in which the customer expressed confusion having placed an enquiry through purepaints.ie regarding certain Farrow & Ball and Colourtrend paints and having begun to place an order for Farrow & Ball Paints in the apparent belief that they were dealing with the Complainant.

5.6 In addition, the Complainant tendered in evidence an e-mail correspondence thread from July 2024 between the Complainant and the Sandersons group Irish agent, which, the Complainant contends, demonstrates that there exists a clear, ongoing working relationship within the Sandersons' network such that knowledge of the existence of the respective parties cannot be denied and such that the Registrant cannot have been unaware of the Complainant's existence or business prior to registering the domain name.

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Response

A summary of the Response is as follows:

5.7 The Registrant denies completely and objects to the allegations made by the Complainant.

5.8 The Registrant contends:

- 5.8.1 that the name pure paints was chosen without knowledge of the Complainant or its business, was first conceived by a member of the Registrant's design team on the basis that "we sell pure paint", and was selected on the basis that the .com, .ie and .co.uk domains were available for purchase;
- 5.8.2 that the registration of the domain name purepaints.ie was undertaken using the proper protocols and was secured and registered and is used in good faith, in compliance with all applicable laws, without violating any intellectual property rights;
- 5.8.3 that the domain name was acquired and used in good faith without any attempt to mislead, create confusion with any other company or brand;
- 5.8.4 that the term "pure paints" is generic and descriptive and is not exclusive to the Complainant's business;
- 5.8.5 that the Registrant acquired and used the domain name purepaints.ie without knowledge of or reference to the Complainant, and has paid a significant amount of money to secure this name, advertise using this name and pursue and conduct business using this name long before it became aware of the Complaint or the Complainant;

5.9 The Registrant further contends that:

- 5.9.1 the Complainant has failed to prove that it has "garnered significant recognition within the industry" through the identifiers Pure Paint, purepaints.com and purepaints.ie;
- 5.9.2 the Complainant has not provided sufficient evidence of any alleged significant financial harm or loss of traffic, and that Google messages concerning a reduction from Google are not necessarily related nor indicative of a domain name infringement;
- 5.9.3 the Complainant has also failed to provide evidence that the Complainant's brand reputation, market prominence has suffered significant financial harm, or that if there is such harm that it is because of the registration of the domain name by the Registrant;
- 5.9.4 the customer correspondence of 31 January 2025 tendered in evidence by the Complainant does not show a complaint about a domain name at all as alleged by the Complainant and further, the customer was enquiring about paint that the Complainant does not appear to sell;

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- 5.9.5 there was never a direct business relationship between the Complainant and the Registrant and the Registrant was effectively unaware of the existence of the Complainant, its business, and its volume of business until this complaint was initiated;
- 5.9.6 the Complainant has mischaracterised the nature of the single transaction connected with the correspondence of 15-19 April 2022 which, the Registrant contends, was a transaction instigated at the request of the paint supplier Sandersons with a view to helping Sandersons fulfil swift delivery of an order to the customer of one of its authorised retailers, who happened to be the Complainant;
- 5.9.7 the Complainant has misrepresented the extent to which authorised retailers within the Sanderson's distribution network have access to any information about other authorised retailers customers, business, or other details, and when supplies are made to customers of other authorised retailers only the customer's address and order requirements are shared;
- 5.9.8 the Registrant is entitled to secure telephone contact numbers and details using acceptable procedures and this facilitates the customers and is not therefore an indicator of some misleading action.

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6. Discussions and Findings

The burden of proving a complaint under the ADRP is on the Complainant.

Matters to be proved:

Complaint Submission

The Complainant has proved in accordance with .ie ADR Policy that...

	<ul style="list-style-type: none">the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant. This means that the complainant must prove its identity and it must prove that it has a substantive connection with the island of Ireland. If the complainant has other .ie domains registered in their own name this requirement is satisfied automatically; and
	<ul style="list-style-type: none">the Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant's rights have been negatively impacted by the registration, and
	<ul style="list-style-type: none">the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

General

	<ul style="list-style-type: none">the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant, andthe Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant's rights have been negatively impacted by the registration, andthe registration of the domain should be revoked as it has been registered or used abusively or in bad faith.
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Complainant's Rights

The meaning of "Rights" is defined in the .ie ADR Policy as follows:

	<ul style="list-style-type: none">the Complainant has rights in the domain name, or in marks or identifiers very similar to it (sufficiently close to the domain that there would be a strong likelihood of confusion), or that the Complainant's rights have been negatively impacted by the registration. Any legal right or entitlement can be considered, including but not limited to:
	<ul style="list-style-type: none">Trade and service marks protected in the island of Ireland, or
	<ul style="list-style-type: none">Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or
	<ul style="list-style-type: none">Geographical indications that can prima facie be protected in the island of Ireland,
	<ul style="list-style-type: none">Unregistered rights acquired through use; and the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

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Complainant Rights Negatively Impacted

The Complainant rights are negatively impacted by the domain registration or use as shown by:

	<ul style="list-style-type: none">• The domain name registration or use is misleading or confusing to its customers, or
	<ul style="list-style-type: none">• The domain name registration or use is commercially damaging to its business through activities such as passing-off, content scraping or impersonation, or
	<ul style="list-style-type: none">• The domain name is being used to circulate defamatory material relating to the Complainant, or
	<ul style="list-style-type: none">• The domain name is being used for the purpose of making unauthorised use of material in which the Complainant has a copyright or another protected interest

Domain Used or Registered Abusively or in Bad Faith

.ie ADR Policy defines “Abusively Registered” as:

Abusively registered refers to a Domain Name which was registered or used to take unfair advantage of or was unfairly detrimental to the Complainant's Rights;

The domain has been registered or is being used Abusively or in Bad Faith by the Registrant as evidenced by:

	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of selling or renting it specifically to the Complainant (or a competitor) for more than the Registrant paid for it, or
	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of preventing the Complainant registering a name or mark in which the Complainant has rights, or
	<ul style="list-style-type: none">• The domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with the Complainant’s business, or
	<ul style="list-style-type: none">• The domain name is being used in a way that is likely to confuse people or businesses into believing that it is registered to, operated or authorised by, or otherwise connected with the Complainant, or
	<ul style="list-style-type: none">• The domain name was registered or is being used for an unlawful purpose (e.g. it is engaging in suspected fraudulent activity, engaging in other criminal/illegal online activity), or
	<ul style="list-style-type: none">• The domain name is registered to a company which currently has a dissolved company trading status, or
	<ul style="list-style-type: none">• The domain name is being used to facilitate the circulation of defamatory or racist material, or
	<ul style="list-style-type: none">• The domain name is registered to a Registrant which does not have (and never had) a connection to the island of Ireland, or

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	<ul style="list-style-type: none">• The domain name was registered as a result of a relationship between the Complainant and the Registrant, and the Complainant<ul style="list-style-type: none">a) has been using the Domain Name registration exclusively; andb) paid for the registration and/or renewal of the Domain Name registration; or
	<ul style="list-style-type: none">• Failure by the Registrant to use the Domain Name for the purposes of email or a web site, the Registrant offering a domain name for sale, or use of domain parking services that may include advertising related to the keyword content of the domain name are not of themselves evidence of abuse or bad faith, however the Specialist may consider these issues in combination with other factors when deciding a case.

The Complainant has established:

6.1 Under paragraph 3.4.2. of the .ie Alternative Dispute Resolution Policy (“ .ie ADRP”), headed “Rules”, the Complainant must assert and provide evidence that it meets the following complaint submission criteria at the time of complaint submission:-

- 6.1.1 the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant, and
- 6.1.2 the Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant’s rights have been negatively impacted by the registration, and
- 6.1.3 the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

All three criteria must be satisfied in order for a complaint to succeed. The onus of proof lies on the Complainant.

First criterion - eligibility to register

6.2 I find that the Complainant has established that she would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant. This is established by the fact that the Complainant already holds the domain purepaint.ie and further by the fact that the Complainant has an established business in Ireland, and holds Irish citizenship as evidenced by a copy of her passport tendered in evidence.

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Second criterion - rights in the domain name or in marks or identifiers very similar to it

6.3 I find that the Complainant has established that the Complainant has rights in the domain name or in marks or identifiers very similar to it. This is established by the fact that the Complainant already holds, and held at the time of registration of the domain name, the domain purepaint.ie, and by the fact that the Complainant has traded online using the domains since at least 2020. The domain name differs from the Complainant's domains only through the addition of an 's' in the case of the Complainant's purepaint.ie domain, and through the removal of a hyphen '-' and the addition of an 's' in the case of the Complainant's pure-paint.com domain. The domain name contains the entirety of the Complainant's .ie domain, and the entirety of the Complainant's .com domain save for a hyphen. The Complainant's identifiers are clearly identifiable in the domain name. The Complainant's rights thus are in marks or identifiers very similar to the domain name.

Second criterion - negative impact

Misleading or Confusing to Customers

6.4 Under Guideline 4.1.B.(ii), first bullet point, of the .ie ADRP, negative impact can be established by showing that the domain name registration or use is misleading or confusing to a complainant's customers.

6.5 I find that the Complainant has established negative impact by showing that there is a strong likelihood of confusion between the Complainant's identifiers and the domain name. Relevant non-binding guidance on the applicable principle here is to be found in the WIPO "Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0"), paragraph 1.9, which notes that where a domain name contains a protected identifier and includes the addition or interspersing of other characters, terms or numbers, the domain name is considered by panels to be confusingly similar.

6.6 In the instant case the Complainant has further established through the correspondence of 31 January 2025 that there has been at least one case of actual confusion of a customer of the Complainant on the basis of the similarity between the domain name and the Complainant's identifiers. In the email, the customer states:

"Major confusion with an order, I thought I was on to you, but it seems I connected with a UK contact under pure paint."

The remainder of the thread reveals that the UK contact the customer had been in communication with was the Registrant.

Commercially Damaging to Business

6.7 Under Guideline 4.1.B(ii), second bullet point, of the .ie ADRP, negative impact can alternatively be established by showing that the domain name registration or use is commercially damaging to its business through activities such as passing-off, content scraping or impersonation.

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6.8 I do *not* find that the Complainant has proved that its rights have been negatively impacted by establishing that the domain name registration or use is commercially damaging to its business through activities such as passing-off, content scraping or impersonation. The Complainant has supplied insufficient evidence of commercial damage, and I do not accept that the Google Insight messages and Google Search Results tendered by the Complainant constitute evidence of effects which can necessarily be connected to the registration or use of the domain name by the Registrant. Moreover, the Google Insight messages tendered in evidence by the Complainant do not even identify the domain(s) to which they relate; but had they done so they would still be insufficient to prove that the decline was as a result of the registration or use of the domain name by the Registrant.

6.9 My finding on commercial damage in this regard is not fatal to the Complainant's complaint, since the Complainant has already established that its rights have been negatively impacted by the confusion caused by the similarity of the domain name to the Complainant's identifiers, as determined in paragraph 6.5 above.

Third criterion - registered or used abusively or in bad faith

6.10 Under Paragraph 1 of the .ie ADRP, headed 'Definitions':

6.10.1 *Abusively registered* refers to a Domain Name which was registered or used to take unfair advantage of or was unfairly detrimental to the Complainant's Rights;

6.10.2 *Bad Faith* means a Domain Name which [sic] was registered or used without legitimate intent, and/or to engage in deceptive conduct and/or to act in a way which is in breach of the Registrant's contractual obligations (as stated in the Registrant Terms and Conditions);

6.11 Guideline 4.1.C of the .ie ADRP provides guidance on the evidence which will normally demonstrate that a domain has been Abusively Registered or used, or registered or used in Bad Faith. The most relevant to this complaint are found in Guideline 4.1.C, third and fourth bullet points, which provide that a complainant can demonstrate, inter alia, that a domain has been registered or is being used Abusively or in Bad Faith by providing evidence that:

6.11.1 The domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with the Complainant's business, or

6.11.2 The domain name is being used in a way that is likely to confuse people or businesses into believing that it is registered to, operated or authorised by, or otherwise connected with the Complainant.

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Unfairly Disrupting or Interfering

6.12 I find that the evidence provided by the Complainant does *not* support a finding that the domain name was registered or is being used with the *primary purpose* of unfairly disrupting or interfering with the Complainant's business.

6.13 Indeed, the evidence does not even go so far as to support a finding that that such a purpose formed any part of the Registrant's motivation or purpose in registering or using the domain name. The following considerations direct my finding in this regard:

6.13.1 The domain name comprises generic words which in ordinary usage are connected to the legitimate activities of the Registrant and the choice of those words does not imply any intent to disrupt or interfere with the Complainant's business.

6.13.2 The Registrant has supplied a credible account of the circumstances and motivations behind the choice of the words comprising the domain name were chosen.

6.13.3 The decision to register the domain name in the .ie top-level domain can similarly be connected to the legitimate and established activities of the Registrant which has an established trade in Ireland. The domain name matches the Registrant's domain in the .co.uk top-level domain. The registration and use of the domain name in the .ie top-level domain in these circumstances is more consistent with the legitimate interest of the Registrant in having a uniform domain name for online trade across its markets – and the Registrant has testified to this purpose - rather than with a desire to interfere with or disrupt the Complainant's business.

6.13.4 The correspondence threads and other evidence tendered by the Complainant in evidence simply do not support any finding that the Registrant was ever even aware of the Complainant's use of the Pure Paint identifier or the pure-paint.com and purepaint.ie domains. In particular:

6.13.4.1 None of the correspondence comprises direct communication between the Complainant and Registrant;

6.13.4.2 In none of the correspondence in which the Registrant is a recipient is the Complainant identified as Pure Paint or as trading under the Pure Paint brand, nor are the pure-paint.com or purepaint.ie

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domains used or mentioned. In the correspondence thread of 15-19 April, 2022, which is the only thread in which the Complainant and Registrant appear as co-recipients, the Complainant is only identified in the thread as “Dani at Baily Interiors of County Limerick” and the email address supplied for the Complainant is a gmail.com address using the ‘info.baileysinteriors’ name.

- 6.13.4.3 Indeed, furthermore, in none of the correspondence between the Complainant and Sandersons’ Irish agent tendered in evidence by the Complainant is the Pure Paint identifier used; only the info.baileysinteriors address is used.
- 6.13.4.4 In the Sandersons’ authorised retailer list, a screenshot of which was tendered in evidence by Complainant, the Complainant is identified as Baileys Interiors and their website is identified as <https://www.pure-paint.com>. No evidence is supplied to confirm that the list contained this information at the date of registration of the domain, however, and no evidence is supplied to demonstrate that the Registrant actually or ever inspected the list and became aware of this connection. Moreover, no evidence is provided to support a finding that the Registrant, who is an authorised retailer for a number of brands, would be likely to have, or ought to have, been aware of the Complainant’s use of the Pure Paint identifier for online sales simply by virtue of the Complainant’s listed details on the Sandersons’ authorised retailer list.
- 6.13.4.5 The purepaint.ie domain which the Complainant holds is not mentioned or used in any of the correspondence tendered in evidence by the Complainant nor does it appear on the Sandersons’ authorised retailer list.
- 6.13.4.6 The evidence supplied by the Complainant does not support a finding that mutual use of the Sandersons’ trade portal by authorised retailers, and the co-operation between authorised retailers as orchestrated by the Sandersons’ Irish agent, necessitated the Registrant to know of the Complainant’s use of the Pure Paint identifier nor its use of the pure-paint.com or purepaint.ie domains. As noted above, there is no use in any of the communications threads tendered in evidence of the Pure Paint identifier, nor any mention of the pure-paint.com or purepaint.ie domains, and only the info.bailysinteriors Gmail address is used.

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Likely to confuse people or businesses into believing that it is registered to, operated or authorised by, or otherwise connected with the Complainant

- 6.14 I have already found at 6.4 - 6.6 above, in the context of the second criterion (negative impact), that the domain name is confusingly similar to the Complainant's protected identifiers, and that the Complainant has proved at least one case of customer confusion in connection with the words Pure Paint.
- 6.15 A finding of confusing similarity in the context of the second criterion does not *ipso facto* necessitate, however, a finding of bad faith in the context of the third criterion, particularly when there is strong evidence of legitimate or good faith registration and use. Again, the WIPO Jurisprudential Overview 3.0 can be turned to for some non-binding guidance in this regard.
- 6.16 According to paragraph 3.1.4 of the WIPO Jurisprudential Overview 3.0, factors relevant to a decision on whether Bad Faith is established through proof of a respondent's intent to attract customers to its website by creating a likelihood of confusion with the complainant's mark, include the following:
- (i) actual confusion
 - (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful,
 - (iii) the lack of a respondent's own rights to or legitimate interests in a domain name,
 - (iv) redirecting the domain name to a different respondent-owned website, even where such website contains a disclaimer,
 - (v) redirecting the domain name to the complainant's (or a competitor's) website, and
 - (vi) absence of any conceivable good faith use.
- 6.17 As to these, I have already found that there has been one case of actual confusion. The evidence supplied is clear on its face as to the fact of confusion. On the other hand, the evidence does not of itself explain the actual cause of the confusion, nor has the Registrant been afforded an opportunity to examine the customer as to circumstances and causes of the confusion.
- 6.18 I have not received any evidence from the Complainant to support a finding of (ii) above, i.e. that the Registrant has sought to cause confusion. Indeed, the available information tends to lean strongly to the contrary conclusion. Having visited the Registrant's website at the domain name I observe that the landing page contains the statement "Pure Paints is a trading name of Patton Wallpapers (Coleraine) Ltd", a statement which appears to be repeated on every page of the Registrant's website. All pages of the website further supply the Registrant's name and address. All told, the Registrant's website appears to be presented in a fashion designed to create *no confusion* as to the identity of the business. The Complainant has not supplied evidence to suggest that the Registrant's website

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has not contained such information from the outset, and I have no cause to believe that it has not.

- 6.19 I note further that in paragraph 3.7 of the WIPO Jurisprudential Overview 3.0, which, though non-binding in this complaint is nonetheless persuasive, it is provided that a clear and sufficiently prominent disclaimer will lend support to circumstances suggesting good faith. I consider the Registrant's consistent statement of its identity and address on its website to constitute strong evidence of good faith in the instant case.
- 6.20 I find no evidence of bad faith or intent to cause confusion in the Registrant's use of a Republic of Ireland telephone number through which customers in the Republic can contact the Registrant. Likewise, I find nothing in the Google search results tendered by the Complainant to suggest misleading advertising by the Registrant.
- 6.21 As to (iii) above, lack of own rights or legitimate interest, the Complainant has failed to supply any evidence to support a finding that the Registrant lacked rights or legitimate interest in the domain name. In contrast, the Registrant has supplied ample evidence of its own rights and legitimate interest as a long established business trading in paints with customers in the UK and Ireland. Furthermore, the Registrant has supplied a credible explanation for the Registrant's choice of domain name.
- 6.22 (iv) and (v) above do not arise in this case as they relate to circumstances where the domain name is used to redirect to a different domain, which is not the case here.
- 6.23 The Complainant has supplied no evidence which would support a finding in connection with (vi) above – absence of any conceivable good faith use. As I have already found above, the Registrant has supplied ample evidence of good faith use.

Fair Use

- 6.24 Under guideline 4.2(A) of the .ie ADRP, a Registrant may show that a registration is not in bad faith by showing, inter alia, that the domain name is generic or descriptive and the Registrant is making fair use of it. I am satisfied that the domain name in this case is generic and descriptive, and I accept the Registrant's case that it is making fair use of the domain name.

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Should the Registrant have known of the Complainant's rights through proper checks?

- 6.25 The Registrant has consistently averred that it was unaware of the Complainant's existence or use of the pure paint identifier and the pure-paint.com and purepaint.ie domains up to the date of the complaint herein, the implication being, I understand, that by being so unaware the Registrant could not possibly have intended to act in bad faith towards the Complainant. I have already found above that the evidence tendered by the Complainant does not contradict the Registrant in this regard, and I find that the Registrant did not intentionally or knowingly act in bad faith in registering or using the domain name.
- 6.26 There remains, however, a residual consideration as to whether the Registrant has acted in bad faith by not conducting proper searches or checks prior to registering the domain name, or should not be treated as being unaware of the Complainant's rights which would have become apparent on conducting such searches, or by failing to appreciate or ignoring the results of such any proper search.
- 6.27 The Registrant has averred that proper protocols were followed when registering the domain name, but has not supplied further details. The Complainant, however, has not supplied any evidence to controvert the Registrant in this respect, and I have no cause to find other than that proper protocols were followed.
- 6.28 Even if the result of such searches was to indicate that the Complainant had rights in the pure-paint.com and purepaint.ie domains, I do not find that the registration of the domain name necessarily constituted bad faith. Again, the WIPO Jurisprudential Overview 3.0 provides non-binding guidance here, paragraph 3.2.2 of which, in the context of Bad Faith, notes that "where the complainant's mark is not inherently distinctive and it also corresponds to a dictionary term ... if a respondent can credibly show that the complainant's mark has a limited reputation and is not known or accessible in the respondent's location, panels may be reluctant to infer that a respondent knew or should have known that its registration would be identical or confusingly similar to the complainant's mark".
- 6.29 In this case, the pure paint identifier is not distinctive, and comprises dictionary terms.
- 6.30 The Complainant has not supplied evidence to support its assertion that has garnered significant recognition in the industry through the Pure Paint, pure-paint.com and purepaint.ie identifiers, an assertion which the Registrant has contested. I note from the evidence tendered by the Complainant that the Complainant prefers to identify, and is commonly identified as, Baileys Interiors, and uses the baileysinteriors Gmail address rather than the hello@pure-paint.com address.
- 6.31 Indeed, in all the supporting evidence tendered by the Complainant, the pure paint identity and the words pure paint are not used by the Complainant at all, except for one occasion – in the January 31 2025 correspondence with the customer, in reply to a message initiated by the customer through the hello@pure-paint.com address, the message signature identifies the sender as

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“Pure Paint and Wallpaper” and bears a logo comprising the letters “PP&W” in a circle.

- 6.32 Taking all of the above in the round, the evidence tends to suggest to me that the Complainant has only a limited reputation as Pure Paint, and, to the extent that it enjoys such a reputation, it as Pure Paint and Wallpaper rather than as Pure Paint. Available information, namely the Complainant’s website, confirms this, where the landing page is headed “Pure Paint and Wallpaper” and contains the message “Welcome to Pure Paint and Wallpaper”.

Conclusion on the third criterion

- 6.33 I find therefore, that the Complainant has failed to establish the third criterion, ie. that the domain name has been registered abusively or in bad faith or is being used abusively or in bad faith.

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Domain Holder Response

Showing that a Registration is not Abusive or in Bad Faith

The Registrant may provide information to counter any statements within the complaint and can submit its own evidence to show that its registration and/or use of the domain is not unreasonable, including but not limited to demonstrating any of the factors below:

	<ul style="list-style-type: none">• The Registrant has established rights in the domain name, or in marks or identifiers very similar to the domain name including but not limited to:
	<ul style="list-style-type: none">○ Trade and service marks protected in the island of Ireland, or
	<ul style="list-style-type: none">○ Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or
	<ul style="list-style-type: none">○ Unregistered rights acquired through use.
	<ul style="list-style-type: none">• Prior to any notice of the dispute, the Registrant used the domain name or a name reasonably corresponding to the Domain Name in connection with a bona fide offering of goods or services or made demonstrable preparations for such use, or
	<ul style="list-style-type: none">• The Registrant (as an individual, business, or other organization) has been commonly known by the domain name or similar name, even in the absence of a registered trademark, or
	<ul style="list-style-type: none">• The domain name is generic or descriptive and the Registrant is making fair use of it, or
	<ul style="list-style-type: none">• The domain name is being used solely for tribute or criticism, or
	<ul style="list-style-type: none">• The domain name contains or references the Complainant’s mark but the Registrant is making fair use of it.

The Registrant has established:

6.34 I find that the Registrant has established that the domain name is generic or descriptive and that the Registrant is making fair use of it. I refer to my earlier discussion of this at 6.13, 6.24, and 6.29 et seq, above.

I therefore readily conclude:

6.35 I have found above that while the Complainant has succeeded in establishing the first (eligibility) and second (negative effect) criteria required to be proved in order to succeed in its complaint, it has failed to establish the third (abusive / bad faith registration or use). Therefore, I readily conclude that the complaint fails.

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6.36 I will take this opportunity to stress that the .ie ADRP procedure is not to be abused as a backdoor mechanism by those wishing to secure the competitive advantages of having a registered trade-mark over legitimate competitors without having taken the opportunity to register a trade mark or establishing a significant reputation and identity such as might ground an action for passing off. The .ie ADRP is only concerned with abusive or bad faith registration and or use of domain names.

7. Decision

The complaint fails and no action shall be taken against the registration.

Signed: G Brian Hutchinson

Dated: 3 April 2025
