

Clarification Regarding Point 3(d)

In point 3(d) of my appeal, I stated that it was "unsafe" to assume CashEuroNet UK LLC was the original registrant of the domain name, given that its UK registration post-dated the domain registration. I chose the word "unsafe" deliberately, rather than "wrong," and I wish to explain why. The 1,000 word limit imposed on appeals did not allow sufficient space to expand on this point there, so I address it here. To save myself from being accused of misleading anyone, I've included it here.

CashEuroNet UK LLC was incorporated in Delaware, United States, in 2007. At that time it was not a UK-registered company. It is understood that it subsequently established a UK presence, most likely in response to the Financial Conduct Authority assuming regulatory oversight of payday lending and requiring foreign-owned entities to maintain a UK-based management structure. It is therefore possible that the domain name was registered by the US-incorporated entity prior to its UK registration, and the Expert may be correct on this point. However, this cannot be confirmed with certainty, which is precisely why "unsafe" rather than "wrong" was the appropriate word. The Expert showed no signs of being aware of this intricacy, treating the registration chronology as straightforward when it was not – and it is that assumption, built on incomplete analysis, that the Complainant sought to flag.