

Decision

ZA2017-0295

**.ZA ALTERNATE DISPUTE RESOLUTION
REGULATIONS (GG29405)**

ADJUDICATOR'S SUMMARY DECISION

CASE NUMBER:	ZA2017-0295
DECISION DATE:	22/01/2018
DOMAIN NAME	NETBANKNEDSECURE.CO.ZA
THE DOMAIN NAME REGISTRANT:	Avaliani Sergi
REGISTRANT'S LEGAL COUNSEL:	None
THE COMPLAINANT:	Nedbank Limited
COMPLAINANT'S LEGAL COUNSEL:	Charné le Roux, Adams & Adams
2 nd LEVEL ADMINISTRATOR:	ZACR

1. The Parties

Complainant: Nedbank Limited
135 Rivonia Road
Sandown, Sandton
Gauteng
Republic of South Africa

Registrant: Avaliani Sergi
203 Nutsbidze Street
Tbilisi
GE

2. The Domain Name: NETBANKNEDSECURE.CO.ZA

3. Notification of Complaint

I am satisfied that the Registrant did not submit a response to the dispute in terms of regulation 18(1) and that the Registrant has been notified of the dispute in accordance with regulation 18(4)(a) read with regulation 15(1).

Yes No

4. Rights

The Complainant has, to my reasonable satisfaction, shown rights in a name or mark which is identical or similar to the domain name.

Yes No

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name is an abusive registration in the hands of the Registrant.

Yes No

6. Other factors

I am satisfied that there are no other factors or circumstances present that would render the decision in this matter unfair.

Yes No

7. Comments (Optional)

Adjudicators are permitted to undertake limited factual research into matters of public record, especially if this is in the interests of justice (see the decision in ZA2015-0193 at para 4.2.9). Despite not being raised by the Complainant, it is significant that the Registrant has been found to have made an abusive .CO.ZA domain name registration in terms of the Regulations in three separate matters since August 2015. See case numbers ZA2015-0221, ZA2015-0207 and ZA2015-0206. Although this is not enough to trigger the rebuttable presumption of abusive registration contained in regulation 4(3) - two of the three decisions were delivered more than two years before this dispute was filed – it certainly indicates that the Registrant is engaged in a pattern of making abusive registrations within the meaning of regulation 4(1)(c), which supports the decision in this matter.

8. Decision

In terms of regulation 9(1)(a) I order that the domain name be transferred to the Complainant.

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[JEREMY SPERES]
SAIPL SENIOR ADJUDICATOR
www.DomainDisputes.co.za