

Decision

ZA2018-0317

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

ADJUDICATOR'S SUMMARY DECISION

CASE NUMBER:	ZA2018-0317
DECISION DATE:	20 June 2018
DOMAIN NAMES	tractorgiants.co.za tractor-giants.co.za
THE DOMAIN NAME REGISTRANT:	Reon Cronje
REGISTRANT'S LEGAL COUNSEL:	NA
THE COMPLAINANT:	Tractor Giants (Pty) Ltd
COMPLAINANT'S LEGAL COUNSEL:	NA
2 nd LEVEL ADMINISTRATOR:	ZA Central Registry

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)

The complaint submitted to me is materially deficient in the following respects:

- a) No information regarding any rights (defined in section 1 of the Regulations) the Complainant may have is provided, as required by Regulation 16(2)(h);
- b) The Complainant does not provide any information about when it began using the name it claims rights over, nor the nature or extent of its business, if any, under such name at the time of registration of the disputed domains. Such information is critical in order to decide whether the domains in question constitute abusive registrations, especially in circumstances where the Complainant would appear to rely on rights flowing from use / common law rights; and
- c) The substance of the complaint consists exclusively of four brief paragraphs, containing much repetition across the paragraphs, in which the following is stated: the Registrant registered the disputed domains in 2018 and the Complainant registered tractorgiants.com in 2015; the Registrant redirects traffic from the disputed domains to farmworld.co.za; and the Registrant has offered to transfer the disputed domains to the Complainant in return for consideration. This is not sufficient to enable me to decide whether the disputed domain names are abusive registrations in the hands of the Registrant.

8. Decision

The complaint is refused.

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