

ADJUDICATOR'S SUMMARY DECISION

CASE NUMBER:	ZA2020-0405
DECISION DATE:	22 September 2020
DOMAIN NAME	<outa.org.za>
THE DOMAIN NAME REGISTRANT:	David Robson
REGISTRANT'S LEGAL COUNSEL:	None
THE COMPLAINANT:	Organisation Undoing Tax Abuse NPC
COMPLAINANT'S LEGAL COUNSEL:	None
2 nd LEVEL ADMINISTRATOR:	ZACR

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1. The Parties

Complainant:

ORGANISATION UNDOING TAX ABUSE NPC
O'Keefe & Swartz Building
318 Oak Avenue
Randburg
Gauteng

Registrant:

David Robson
No further details

2. The Domain Name: OUTA.ORG.ZA

3. Notification of Complaint (31 July 2020)

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)

The Complainant's use of the OUTA mark appears to have begun in 2012, seven years prior to registration of the disputed domain name, and the Complainant has enjoyed extensive media exposure under its OUTA mark to the point where it is well-known in South Africa. This establishes common-law trade mark rights in a trade mark identical to the disputed domain name, shifting the burden of proof to the registrant under Regulation 5(c). The registrant has not submitted a response and the matter falls to be decided on the incidence of onus alone. It is however to be noted that the disputed domain name is registered in the <.org.za> [country code second-level domain name \(ccSLD\)](#), which according to the [Charter](#) is intended for non-commercial use, including for "*non-profit companies*" and "*civil society associations*". The Complainant is a non-profit company and civil society association, and the potential for confusion under Regulation 4(1)(b) is obvious.

8. Decision

For all the foregoing reasons, in accordance with Regulation 9(1)(a), the Adjudicator orders that the disputed domain name, <outa.org.za>, be transferred to the Complainant.

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Jeremy Speres
SAIIPL SENIOR ADJUDICATOR
www.DomainDisputes.co.za