

## ADJUDICATOR'S SUMMARY DECISION

CASE NUMBER:	<b>ZA2025-0530</b>
DECISION DATE:	<b>5 May 2025</b>
DOMAIN NAME	<b>abbgroup.co.za</b>
THE DOMAIN NAME REGISTRANT:	<b>Ryan Lee Smit</b>
REGISTRANT'S LEGAL COUNSEL:	<b>none</b>
THE COMPLAINANT:	<b>ABB Asea Brown Boveri Ltd.</b>
COMPLAINANT'S LEGAL COUNSEL:	<b>Taylor Wessing</b>
2 <sup>nd</sup> LEVEL ADMINISTRATOR:	<b>ZARC</b>

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## 1. The Parties

### Complainant:

**ABB Asea Brown Boveri Ltd.**  
Zürich  
Switzerland

### Registrant:

**Ryan Lee Smit**  
Gauteng  
South Africa

## 2. The Domain Name: ABBGROUP.CO.ZA

## 3. Notification of Complaint (12 March 2025)

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)

At the outset, it is noted that the Complainant offered evidence of its reputation through Annexure 3 to the Complaint in the form of a Wikipedia page. The Adjudicators state that Wikipedia does not constitute admissible evidence of the facts. Regardless, the Complainant merely needs to show rights in the name/mark, and the trade mark registration pages provided establish that the Complainant has registered rights sufficient to establish its *locus standi*.

The Complainant furnished evidence to indicate that the website hosted at the domain name in issue, makes use of the Complainant's trade mark ABB in special form and the content of the webpages create the impression that the entity operating this website is the South African entity which forms part of the Complainant's group of companies which it does not. Accordingly, such deliberate use of the domain name is an attempt to confuse potential customers into believing that the registrant/the entity using the domain name is not only associated with the Complainant – which it is not – but forms part of the Complainant's group of companies. Such constitutes an abusive registration, as contemplated, primarily, by Regulation 4(1)(b), and, consequently, also as contemplated by Regulations 4(1)(a)(ii), (iii) and (iv). Notably, this act by the Registrant is a direct contradiction of the statement it made in correspondence, referred to below, that it has bought the domain name for resale, which in itself questions the integrity of any position the Registrant may take in future. (The webpage at the domain name currently reads, '403 Forbidden Access to this resource on the service is denied.')

In addition to the evidence furnished by the Complainant which indicated that this domain name is an abusive registration, as indicated above, the Registrant sent two emails in response to the complaint (which did not comply with the requirements for a response)

which indicated that he had bought the domain name for the purpose of resale, specifically that it has offered the domain to 'ABB' (which we assume is the Complainant or one of the companies in the Complainant's group of companies) for R2 900 000.00. This clearly indicates an abusive registration in terms of Regulation 4(1)(a)(i).

## **8. Decision**

Considering the above, the Adjudicators order, in terms of Regulation 9(1)(a), that the domain name **abbgroun.co.za** be transferred to the Complainant.

.....  
**CHRISTIAAN STEYN**

SAIPL SENIOR ADJUDICATOR

[www.DomainDisputes.co.za](http://www.DomainDisputes.co.za)

.....  
**FIONA SOUTHWOOD**

SAIPL TRAINEE ADJUDICATOR

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