

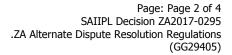
Decision

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



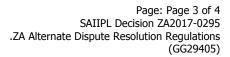


Complainant:	Nedbank Limited	
	Gauteng Republic of South	Africa
Registrant:	Avaliani Sergi	
	GE	
2. The Domain Name:	NETBANKNEDSEC	URE.CO.ZA
3. Notification of Complaint		
	strant has been no	esponse to the dispute in terms of otified of the dispute in accordance
	[X] Yes	[] No

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.

[**X**] 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.

[**X**] 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.

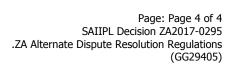
[X] Yes [] No

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.





[JEREMY SPERES]
SAIIPL SENIOR ADJUDICATOR

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