

Decision

ZA2023-0475

.ZA ALTERNATE DISPUTE RESOLUTION REGULATIONS (GG29405)

ADJUDICATOR'S SUMMARY DECISION

ZA2023-0475
24 April 2023
senvesa.co.za
Abubakar Varachhia
n/a
Senwes Limited
Adams & Adams
ZARC

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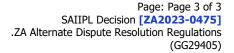


1. The Parties		
Complainant:		
Senwes Limited		
Klerksdorp		
South Africa		
Registrant:		
Abubakar Varachhia		
Durban		
South Africa		
2. The Domain Name: (SENVESA.	CO.ZA)	
3. Notification of Complaint (06 M	ARCH 2023)
I am satisfied that the Registrant did i	not submit a	response to the dispute in terms of
regulation 18(1) and that the Registrar	nt has been r	notified of the dispute in accordance
with regulation 18(4)(a) read with regula	ation 15(1).	
E.1	V	TIM.
[x]	Yes	[] No
4. Rights		
The Complainant has, to my reasonal which is identical or similar to the doma		on, shown rights in a name or mark
[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
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6. Other factors

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

[] No

7. Comments (Optional)

Although i was initially concerned that SENWES, the Complainant's name and trade mark, was not sufficiently similar to the domain name "senvesa.co.za", it is clear that there have been members of the public confused into believing that these are the same entity. What tipped the scales is that the domain name senvesa.co.za has been used for purposes of fraud that is impacting upon the Complainant's reputation in its name and trade mark. The Applicant has not responded to the allegations of fraud raised in the complaint.

8. Decision

For the foregoing reasons, in accordance with Regulation 9, the Adjudicator orders that the domain name servesa.co.za be transferred to the Complainant.

VANESSA LAWRANCE

SAIIPL SENIOR ADJUDICATOR

www.DomainDisputes.co.za