

Decision

[ZA2014-0172]

.ZA ALTERNATE DISPUTE RESOLUTION
REGULATIONS (GG29405)

ADJUDICATOR DECISION

CASE NUMBER:	ZA2014-0172
DECISION DATE:	28 July 2014
DOMAIN NAME:	standard-bankonline.co.za
THE DOMAIN NAME REGISTRANT:	Peter Dennis
REGISTRANT'S LEGAL COUNSEL:	N/A
THE COMPLAINANT:	The Standard Bank of South Africa Limited
COMPLAINANT'S LEGAL COUNSEL:	Adams & Adams
2 nd LEVEL ADMINISTRATOR:	UniForum SA

1. Procedural history

- 1.1 The domain in issue is <standard-bankonline.co.za>, which was registered on 28 March 2013.
- 1.2 The Complainant is The Standard Bank of South Africa Limited, hereinafter referred to as “the Complainant”. The Registrant is Peter Dennis.
- 1.3 This dispute was filed with the South African Institute of Intellectual Property Law (“SAIPL”), on 17 April 2014. On 23 April 2014 the SAIPL transmitted by email to UniForum SA a request for the registry to suspend the domain name, and on the same day UniForum SA confirmed the suspension.
- 1.4 In accordance with the Regulations, the SAIPL formally notified the Registrant of the commencement of the Dispute on 24 April 2014. The due date for the Registrant’s Response was 26 May 2014.
- 1.5 By 6 June 2014 the Registrant had not submitted its Response to SAIPL, and has still not done so.
- 1.6 On 27 June 2014 Adv Owen Salmon submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the SAIPL to ensure compliance with the Regulations and Supplementary Procedure and was appointed as the Adjudicator.

2. Factual Background

The Complainant is otherwise known as Standard Bank. It is the proprietor of numerous registrations for this mark, and of the banking business famous by that name. It conducts online banking business as well.

2.1 The Complaint

The complaint is that the domain <standard-bankonline.co.za> is abusive within the meaning of the Registrations.

3 The Registrant's Response

The Registrant has not responded to the complaint.

4 Discussion and Findings

4.1 The Complainant has rights in the mark Standard Bank within the meaning of Regulation 3(1)(a).

4.2 The question is whether the registration in the hands of the Registrant is an abusive registration. In the Adjudicator's view, it obviously is abusive.

4.3 An abusive registration means a domain name which, *inter alia*, was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's rights. In the present situation, this does not require elaboration. In the absence of an explanation by Mr Dennis overcoming what is otherwise a rather clear inference that <standard-bankonline.co.za> matches all of these grounds, the Adjudicator finds so.

4.4 Accordingly, the Adjudicator finds that the registration is abusive and upholds the Complainant's Dispute.

5 Decision

In accordance with Regulation 9, the Adjudicator orders that the domain name be transferred to the Complainant.

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ADV OWEN SALMON
SAIPL SENIOR ADJUDICATOR
www.DomainDisputes.co.za