

## Decision

**ZA2016-0232**

**.ZA ALTERNATE DISPUTE RESOLUTION  
REGULATIONS (GG29405)**

### ADJUDICATOR DECISION

CASE NUMBER:	<b>ZA2016-0232</b>
DECISION DATE:	<b>20 May 2016</b>
DOMAIN NAME	<b>Sasol-boothrdwest.co.za</b>
THE DOMAIN NAME REGISTRANT:	<b>Suranetix</b>
REGISTRANT'S LEGAL COUNSEL:	<b>n/a</b>
THE COMPLAINANT:	<b>Sasol Limited</b>
COMPLAINANT'S LEGAL COUNSEL:	<b>Daniel Greenberg - Lexsynergy</b>
2 <sup>nd</sup> LEVEL ADMINISTRATOR:	<b>ZA Central Registry (CO.ZA )</b>

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## 1 Procedural History

- a) The Dispute was filed with the South African Institute of Intellectual Property Law (the “SAIPL”) on **30 March 2016**. On **30 March 2016** the SAIPL transmitted by email to ZA Central Registry (ZACR) a request for the registry to suspend the domain name(s) at issue, and on **31 March 2016**, the ZACR confirmed that the domain name had indeed been suspended. The SAIPL verified that the Dispute satisfied the formal requirements of the .ZA Alternate Dispute Resolution Regulations (the “Regulations”), and the SAIPL’s Supplementary Procedure.
- b) In accordance with the Regulations, the SAIPL formally notified the Registrant of the commencement of the Dispute on **5 April 2016**. In accordance with the Regulations the due date for the Registrant’s Response was **5 May 2016**. The Registrant did not submit any response, and accordingly, the SAIPL notified the Registrant of its default on **6 May 2016**.
- c) The SAIPL appointed **Vanessa Lawrance** as the Adjudicator in this matter on **11 May 2016**. The Adjudicator has 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.

## 2 Factual Background

- 2.1 The Complainant is an international petroleum, chemical, mining and technology firm that does business in over 149 countries worldwide. In addition the Complainant has numerous petrol station franchises over South Africa.
- 2.2 The Complainant was formed in South Africa in 1950, and entered the global market in 1953.
- 2.3 The Complainant was listed on the JSE in 1979, and on the New York Stock Exchange during April 2003.

- 2.4 The Complainant and its group of companies have registered the SASOL trademark in over 149 countries worldwide.
- 2.5 One of the earliest registrations of the trade mark SASOL is UK trade mark 746664, dated 5 October 1955.
- 2.6 The Complainant has registered over 1 750 domain names that are identical or incorporate the SASOL trade mark.
- 2.7 The Complainant launched its website www.sasol.co.za on 28 December 1996, www.sasol.com on 23 December 1996. These websites generate a large number of visits per year from numerous countries.

### **3 Parties' Contentions**

#### **3.1 Complainant**

- a) The Disputed Domain Name was registered on 21 September 2013 and as of 3 April 2014 directed to a holding website.
- b) The Disputed Domain Name contains the trade mark of the Complainant SASOL as the prefix, with "boothrdwest" (as a suffix) separated by a hyphen.
- c) One of the franchise service stations of the Complainant (ie a Sasol-branded service station) operates from 292 Booth Road, West Cato Manor, Durban, South Africa.
- d) Between 2003 and 2014 the Complainant spent approximately R 54 553 million on marketing. The SASOL trade mark is accordingly well known.
- e) The disputed domain name is similar to the trade mark SASOL of the Complainant.
- f) The dominant and distinctive part of the Disputed Domain Name is

SASOL, and the suffix comprises the address of a SASOL-branded service station at Booth Road West, Durban.

- g) The Complainant has successfully established rights in the trade mark SASOL in thirteen UDRP complaints and two .ZA.ADRs.

### **3.2 Registrant**

- a) The Registrant has not responded to the complaint, and is in default.

## **4 Discussion and Findings**

- a) The Disputed Domain Name Sasol-boothrdwest.co.za incorporates the trade mark of the Complainant, SASOL, as the dominant feature. The entire domain name is similar to the trade mark SASOL of the Complainant. The words boothrdwest are similar to the address of a SASOL-branded service station at 292 Booth Road West, Durban. The Complainant has built up a substantial reputation and goodwill in the trade mark SASOL, and has spent considerable time and money in promoting the trade mark SASOL. The Complainant has used the trade mark SASOL since 1955.

### **4.1 Complainant's Rights**

- 4.1.1 For the reasons stated, the Complainant has established that it is entitled to the relief sought.

### **4.2 Abusive Registration**

- 4.2.1 The Disputed Domain Name is, for the reasons stated, an abusive registration.
- 4.2.2 The domain name also takes unfair advantage of the registered rights of the Complainant, and the substantial reputation and goodwill built up by the Complainant, and is likely to cause confusion to the detriment of the Complainant.

## 5. Decision

- 5.1 For all the foregoing reasons, in accordance with Regulation 9, the Adjudicator orders that the domain name Sasol-boothrdwest.co.za be transferred to the Complainant.

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**VANESSA LAWRENCE**  
SAIPL SENIOR ADJUDICATOR  
[www.DomainDisputes.co.za](http://www.DomainDisputes.co.za)