

ADJUDICATOR'S SUMMARY DECISION

CASE NUMBER:	ZA2021-0422
DECISION DATE:	30 August 2021
DOMAIN NAME	ziprecruiter.co.za
THE DOMAIN NAME REGISTRANT:	Chenggong Li
REGISTRANT'S LEGAL COUNSEL:	None
THE COMPLAINANT:	ZipRecruiter Inc.
COMPLAINANT'S LEGAL COUNSEL:	Safenames Ltd
2 nd LEVEL ADMINISTRATOR:	ZACR

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1. The Parties

Complainant:

ZipRecruiter Inc.

Santa Monica

United States of America

Registrant:

Chenggong Li

Beijing

China

2. The Domain Name: ZIPRECRUITER.CO.ZA

3. Notification of Complaint (02 July 2021)

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)

I find that the Complainant has rights in respect of the trade mark ZIPRECRUITER as contemplated by Regulation 3(1)(a). The threshold for establishing a right in terms of the Regulations is fairly low. Reference is made to the appeal decision of Xnets.co.za ZA2011-0077 which stated at paragraph 5(d) that *“the main point of the test is to make sure that the person who complains is someone with a proper interest in the complaint. The notion of “rights” for the purposes of Regulation 3(1)(a) is not trammelled by trade mark jurisprudence. By definition, rights include “intellectual property rights, commercial, cultural, linguistic, religious and personal rights protected under South African Law, but is not limited thereto”*. In my view, the Complainant has tendered evidence sufficient to establish the requisite interest in its ZIPRECRUITER trade mark.

The Complainant has also proved that the Registrant is in the pattern of making abusive registrations. In addition, although not referred to in the Complaint, the *proviso* to Regulation 5(c) provides that abusiveness shall be presumed where the domain name is identical to a mark in which a Complainant asserts a right. The burden of proof shifts to the Registrant to show that the domain name is not abusive. The presumption applies to this Dispute and has not been rebutted.

8. Decision

For all the foregoing reasons, in accordance with Regulation 9, we order that the domain name, <ziprecruiter.co.za>, be transferred to the Complainant.

.....
MARIËTTE DU PLESSIS

SAIIPL SENIOR ADJUDICATOR

www.DomainDisputes.co.za