

ADJUDICATORS' SUMMARY DECISION

CASE NUMBER:	ZA2021-0426
DECISION DATE:	07 December 2021
DOMAIN NAME:	Belgotexcarpets.co.za
THE DOMAIN NAME REGISTRANT:	Dominik Mikula
REGISTRANT'S LEGAL COUNSEL:	None
THE COMPLAINANT:	Belgotex Floorcoverings (Pty) Ltd
COMPLAINANT'S LEGAL COUNSEL:	Shirlaine Farrell Attorneys
2 nd LEVEL ADMINISTRATOR:	ZACR

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1. The Parties

Complainant:

Belgotex Floorcoverings (Pty) Ltd

Kwa-Zulu Natal

South Africa

Registrant:

Dominik Mikula

Bulgaria

2. The Domain Name: **BELGOTEXCARPETS.CO.ZA**

3. Notification of Complaint **(15 October 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)

Adjudicators are permitted to undertake limited factual research into matters of public record, especially if this is in the interests of justice. See SAIPL case no. ZA2015-0193. The Adjudicators have independently established that the disputed domain name is listed for sale on a prominent domain name marketplace with a minimum offer price set at \$250. As that likely exceeds the Registrant's reasonable out-of-pocket expenses directly associated with acquiring the disputed domain name, this, combined with the reputation of the Complainant's trade mark and the use to which the disputed domain name has been put, is an additional indicator of abusiveness in terms of Regulation 4(1)(a)(i).

8. Decision

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

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Vanessa Lawrance
SAIPL SENIOR ADJUDICATOR

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Kelly Thompson
SAIPL SENIOR ADJUDICATOR

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Jeremy Speres
SAIPL SENIOR ADJUDICATOR