

**ADJUDICATOR’S SUMMARY DECISION**

CASE NUMBER:	<b>ZA2023-0475</b>
DECISION DATE:	<b>24 April 2023</b>
DOMAIN NAME	<b>senvesa.co.za</b>
THE DOMAIN NAME REGISTRANT:	<b>Abubakar Varachhia</b>
REGISTRANT’S LEGAL COUNSEL:	<b>n/a</b>
THE COMPLAINANT:	<b>Senwes Limited</b>
COMPLAINANT’S LEGAL COUNSEL:	<b>Adams &amp; Adams</b>
2 <sup>nd</sup> LEVEL ADMINISTRATOR:	<b>ZARC</b>

**Table of Contents**

**1. The Parties .....2**

**2. The Domain Name: .....2**

**3. Notification of Complaint.....2**

**4. Rights.....2**

**5. Abusive Registration .....2**

**6. Other factors.....3**

**7. Comments (Optional).....3**

**8. Decision .....3**

## 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 MARCH 2023)

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)

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 senvesa.co.za be transferred to the Complainant.

.....  
**VANESSA LAWRANCE**  
SAIIPL SENIOR ADJUDICATOR  
www.DomainDisputes.co.za