

## ADJUDICATOR'S SUMMARY DECISION

CASE NUMBER:	<b>ZA2024-0493</b>
DECISION DATE:	<b>03 April 2024</b>
DOMAIN NAME	<b>clearvufencingsolutions.co.za</b>
THE DOMAIN NAME REGISTRANT:	<b>Malony Nyamunetsa</b>
REGISTRANT'S LEGAL COUNSEL:	<b>n/a</b>
THE COMPLAINANT:	<b>Cochrane Steel Products (Pty) Limited</b>
COMPLAINANT'S LEGAL COUNSEL:	<b>n/a</b>
2 <sup>nd</sup> LEVEL ADMINISTRATOR:	<b>ZARC</b>

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## 1. The Parties

### Complainant:

**Cochrane Steel Products (Pty) Limited**  
Isando  
South Africa

### Registrant:

**Malony Nyamunetsa**  
Johannesburg  
South Africa

## 2. The Domain Name: CLEARVUFENCINGSOLUTIONS.CO.ZA

## 3. Notification of Complaint (08 FEBRUARY 2024)

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)

The Complainant did not adequately establish any relationship between the Registrant and the company, Clearvu Fencing Solutions (Pty) Limited, cited in the proceedings brought under case no. D6027/2022 before the High Court of South Africa. The Adjudicator's own investigations revealed that the Registrant is not the sole director of Clearvu Fencing Solutions (Pty) Limited, as the complaint suggests, and rather appears to be a website developer. Nevertheless, the Registrant undertook to bring the complaint to the attention of Clearvu Fencing Solutions (Pty) Limited. I am, therefore, satisfied that no prejudice against Clearvu Fencing Solutions (Pty) Limited exists.

Despite Annexure B1, B2, B3, C and D not being annexed to the complaint, I am satisfied that the Complainant owns rights to the trade mark **CLEAR VU** which is wholly incorporated in the disputed domain name and is similar thereto.

## 8. Decision

In accordance with Regulation 9, the Adjudicator orders that the domain name, <clearvufencingsolutions.co.za> be transferred to the Complainant.

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**G rard Muller du Plessis**  
SAIPL SENIOR ADJUDICATOR  
www.DomainDisputes.co.za