

DECISION NOTIFICATION

To: **The Registrant**
The Complainant
The .ZA Domain Name Authority

Dear Sirs

NOTIFICATION OF THE ADJUDICATORS DECISION IN TERMS OF REGULATION 9, 10, 11, 29 and 30

In terms of Regulation 30, the Adjudicator's Decision is hereby forwarded to the Complainant, the Registrant and the .ZA Domain Name Authority. Subject to the provisions of Regulation 30(4), the Decision will officially be communicated to the 2nd Level Domain Administrator after a period of 5 (five) Days have lapsed.

In this case (ZA2009-0029 / weskusmall.co.za et. al.) the Dispute has been refused for all domain names. The 2nd Level Administrator will be requested to remove the suspensions from the disputed domain names in due course.

Availability of an Appeal Process: Please note that in accordance with the provisions of Regulation 32, the unsuccessful Party is entitled to Appeal against the Adjudicator's Decision. This must be done by submitting a **Statement of Intention to Appeal** to admin@domaindisputes.co.za within 4 (four) Days of this Decision Notification.

Yours Faithfully

The Administrator
SAIPL ADR
www.DomainDisputes.co.za

Regulation 30: Communication of Decision to Parties

- (1) Within three days after receiving the decision from the adjudicator, the provider must communicate the full text of the decision to each party and the Authority.
- (2) After five days of notifying the parties and the Authority of the decision, the provider shall forward the decision to the second level domain administrator.
- (3) Upon receiving the decision from the provider, the second level domain administrator shall wait a further five days before implementing the decision.
- (4) The second level domain administrator shall implement the decision within two days after the expiry of the five-day waiting period.
- (5) A decision must be published in full except those parts ruled to be confidential by an adjudicator.

Regulation 32: Appeals

- (1) Either party shall have the right to appeal a decision by submitting a statement of intention to appeal together with the appeal fee provided for in regulation 34(3), which must within 15 days be followed by an appeal notice: Provided that only a decision by a single adjudicator, and not a decision of three adjudicators, can be appealed.
- (2) A statement of intention to appeal should contain such information to make it clear that an appeal is requested and should not contain the actual grounds or reasons for appeal.
- (3) An appeal notice may not exceed 1000 words and must set out detailed grounds and reasons for the appeal.
- (4) The provider shall forward the statement of intention to appeal or appeal notice, as the case may be, to the other party within three days of receipt of -
 - (a) the statement of the intention to appeal and the appeal fee; or
 - (b) the appeal notice.
- (5) Within 10 days of receiving the appeal notice from the provider the other party may submit an appeal notice response to the provider.
- (6) An appeal notice response may not exceed 1000 words, must set out detailed grounds and reasons why the appeal should be rejected.
- (7) Following the filing of an appeal notice response, or the expiry of the deadline to do so, the provider shall appoint an appeal panel of three adjudicators.
- (8) The adjudicators on the appeal panel must be impartial and must consist of -
 - (a) the chairperson of the provider's group of adjudicators; and
 - (b) the next available two adjudicators appointed by rotation from the provider's list.

(9) The appeal panel will not take into consideration any new evidence presented in an appeal notice or appeal notice response, unless they believe that it is in the interests of justice to do so.

(10) Regulation 29 and 30 shall apply mutatis mutandis to appeal decisions, except that -

- (a) appeal decisions must be returned by the appeal panel to the provider within 20 days of the appointment of the last adjudicator,
- (b) appeal decisions cannot be subject to any further appeal in terms of these Regulations.