

Decision

[ZA2016-0234]

.ZA ALTERNATE DISPUTE RESOLUTION
REGULATIONS (GG29405)

ADJUDICATOR DECISION

CASE NUMBER:	ZA2016-0234
DECISION DATE:	20 May 2016
DOMAIN NAMES:	sasolmedgapcover.co.za
THE DOMAIN NAME REGISTRANT:	Phase Change
REGISTRANT'S LEGAL COUNSEL:	None
THE COMPLAINANT:	Sasol Limited
COMPLAINANT'S LEGAL COUNSEL:	Lexsynergy
2 nd LEVEL ADMINISTRATOR:	ZA Central Registry (co.za)

1. Procedural history

- 1.1 The domain in this complaint is <sasolmedgapcover.co.za>, which was registered on 29 May 2015. The Registrant is Phase Change, of 2 Hildebrandt Street, Bellville, Cape Town.
- 1.2 The Complainant is Sasol Limited ('Sasol'), whose principal place of business is at 1 Sturdee Avenue, Rosebank, Johannesburg.
- 1.3 This dispute was filed with the South African Institute of Intellectual Property Law ("SAIPL"), on **30 March 2016**. On **30 March 2016** SAIPL emailed a request to ZA Central Registry for the registry to suspend the domain name, and on **31 March 2016** the ZACR confirmed the suspension.
- 1.4 In accordance with the Regulations, the SAIPL formally notified the Registrant of the commencement of the Dispute on **5 April 2016**. The due date for the Registrant's Response was **5 May 2016**. The Registrant did not submit a Response by **5 May 2016**, and notification of his default was posted on **6 May 2016**.
- 1.5 The SAIPL appointed **Adv Owen Salmon SC** as the Adjudicator in this matter on **9 April 2016**. The Adjudicator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the SAIPL to ensure compliance with the Regulations and Supplementary Procedure.

2 The Facts and Finding

- 2.1 Sasol needs virtually no referencing or introduction. It was formed in 1950, and conducts a multi-billion rand petrochemicals business that

spans 149 countries around the globe. It has thousands of employees.

- 2.2 Sasol offers its own medical aid scheme to these employees, which is known as Sasolmed. <sasolmed.com> and <sasolmed.co.za> are domains it registered in 2007, and both point to its 'home' website <sasol.com>.
- 2.3 'Medical Gap Cover' is a term of art in the short term insurance industry. It refers to a policy that will cover the shortfall for in-hospital procedures and outpatient treatment for medical aid members and beneficiaries.
- 2.4 Sasol has registered trade mark and common law rights in the mark SASOL. These give it *locus standi* for the purposes of this complaint.
- 2.5 The complaint is not defended, and it is not necessary to engage in a lengthy and burdensome discussion of the principles. In my view, the domain <sasolmedgapcover.co.za> is calculated to appropriate benefit from Sasol's goodwill in its mark and in its said domain name. Anyone (including the registrant) who wants to do business in gap policies can do so, quite easily, without trading on the goodwill of Sasol. In addition, the domain has the potential to cause detriment, because it can be put to use over which Sasol would have no control.
- 2.6 These factors indicate, in my view, that the domain is abusive within the meaning of the Regulations.

3 Decision

3.1 For the foregoing reasons the Adjudicator finds that the domain is abusive. In accordance with Regulation 9 the Adjudicator orders that the domain <sasolmedgapcover.co.za> be transferred to the Complainant.

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ADV OWEN SALMON SC
SAIPL SENIOR ADJUDICATOR
www.DomainDisputes.co.za