

Decision

[ZA2018-0303]

**.ZA ALTERNATE DISPUTE RESOLUTION
REGULATIONS (GG29405)**

ADJUDICATOR SUMMARY DECISION

CASE NUMBER:	ZA2018-0303
DECISION DATE:	4 APRIL 2018
DOMAIN NAME:	SPOTIFY.CO.ZA
THE DOMAIN NAME REGISTRANT:	ADMIN
REGISTRANT'S LEGAL COUNSEL:	N/A
THE COMPLAINANT:	SPOTIFY AB
COMPLAINANT'S LEGAL COUNSEL:	ADAMS & ADAMS
2 nd LEVEL ADMINISTRATOR:	ZA CENTRAL REGISTRY NPC

1. The Parties

Complainant:

SPOTIFY AB
Birger Jarisgatan 61, 113 56
Stockholm
Sweden

Registrant:

ADMIN
Durban
South Africa

2. The Domain Name: SPOTIFY.CO.ZA

3. Procedural History

- a. The Dispute was filed with the South African Institute of Intellectual Property Law (the "SAIIPL") on **5 February 2018**. On **6 February 2018** the SAIPL transmitted by email to ZA Central Registry (ZACR) a request for the registry to suspend the domain name at issue, and on **6 February 2018** ZACR confirmed that the domain name had indeed been suspended. The SAIPL verified that the Dispute satisfied the formal requirements of the .ZA Alternate Dispute Resolution Regulations (the "Regulations"), and the SAIPL's Supplementary Procedure.
- b. In accordance with the Regulations, the SAIPL formally notified the Registrant of the commencement of the Dispute on **7 February 2018**. In accordance with the Regulations the due date for the Registrant's Response was **7 March 2018**. The Registrant did not submit any response, and accordingly, the SAIPL notified the Registrant of its default on **8 March 2018**.
- c. The SAIPL appointed **Rachel Sikwane** as the Adjudicator in this matter on **13 March 2018**. 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.

4. Notification of Complaint

I am satisfied that the Registrant has been notified of the Dispute in accordance with regulation 18(4)(a) read with regulation 15(1) and that the Registrant did not submit a response to the Dispute in terms of regulation 18(1).

Yes No

5. 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

6. 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

7. Other factors

I am satisfied that there are no other factors or circumstances present that would unfairly deprive the Registrant of the Domain Name.

Yes No

8. Decision

For all the foregoing reasons, in accordance with Regulation 9, the Adjudicator orders that the domain name, spotify.co.za, be transferred to the Complainant.

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Rachel Sikwane

SAIPL SENIOR ADJUDICATOR

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