

Decision

ZA2011-0098

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

ADJUDICATOR DECISION

CASE NUMBER:	ZA2011-0098
DECISION DATE:	2 April 2012
DOMAIN NAME	va.co.za
THE DOMAIN NAME REGISTRANT:	Brandon Davids
REGISTRANT'S LEGAL COUNSEL:	Traverse Legal/Mr John Di Giacomo
THE COMPLAINANT:	Lexshell 44 General Trading (Pty) Ltd t/a V&A Waterfront
COMPLAINANT'S LEGAL COUNSEL:	DLA Cliffe Dekker Hofmeyr Mr Eben van Wyk
2 nd LEVEL ADMINISTRATOR:	UniForum SA (CO.ZA)

1. Procedural History

- a) The Dispute was filed with the South African Institute of Intellectual Property Law (the “SAIPL”) on **25 November 2011**. In response to a notification by the SAIPL that the Dispute was administratively deficient, the Complainant filed an amendment to the dispute ie the full formal documentation on **30 November 2011**. The SAIPL verified on **1 December 2011** that the Dispute [together with the amendment to the Dispute] satisfied the formal requirements of the .ZA Alternate Dispute Resolution Regulations (the “Regulations”), and the SAIPL’s Supplementary Procedure. On **1 December 2011** the SAIPL transmitted by email to UniForum SA a request for the registry to suspend the domain name at issue, and on **1 December 2011** UniForum SA confirmed that the domain name had indeed been suspended.
- b) In accordance with the Regulations, the SAIPL formally notified the Registrant of the commencement of the Dispute on **5 December 2011**. In accordance with the Regulations the due date for the Registrant’s Response was **3 January 2012**. The Registrant did not initially submit its full response, and accordingly, the SAIPL notified the Registrant of its default on **3 January 2012**. The Registrant submitted its Response later on **3 January 2012**, and the SAIPL verified that the Response satisfied the formal requirements of the Regulations and the SAIPL’s Supplementary Procedure. The SAIPL forwarded a copy of the Response to the Complainant on **3 January 2012**.
- c) In accordance with the Regulations the due date for the Complainant’s Reply was **10 January 2012**. The Complainant submitted its Reply on **10 January 2012** but on **11 January 2012** it requested the Administrator that it be allowed to file a correction in respect of an error in its wording in

paragraph 6.1. This was allowed by the Administrator and the corrected Reply was re-submitted on **11 January 2012**. The Registrant had objected to such amendment/correction after the due date, and the Administrator had referred this question to the Adjudicator.

- d) The SAIPL, after attempting to appoint other Adjudicators, appointed **Mr Andre van der Merwe** as the Adjudicator in this matter on **13 March 2012**. 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.
- e) At the outset, the Adjudicator will deal with the above-mentioned procedural objection viz the amendment/correction to the Reply submitted by the Complainant one day after the due date set for the filing of its Reply. The Registrant has not only questioned the correctness of this procedure by the Administrator but has also objected thereto, in terms of Regulation 19. Factually the Complainant had submitted its Reply on the last day set for its Reply viz **10 January 2012**. On the next day viz **11 January 2012**, the Complainant had brought an unintended error in the wording of its Reply to the Administrator's attention. The Complainant had also enquired whether the Administrator would inform the parties and Adjudicator accordingly and whether it could submit a newly commissioned Reply correcting the error. The Administrator had suggested that the corrected Reply be commissioned and resent to the Administrator.

The Complainant had requested that the wording in paragraph 6.1 of its Reply be corrected and changed from: "..... that the Adjudicator denies the dispute" to the wording: "..... that the Adjudicator issues a decision for the transfer of the domain". This is clearly a correction of an unintended error, and a "slip of the tongue", as it were.

Regulation 19 provides that:” Within five days of receiving a response from the provider, the complainant may submit a reply to the registrant’s response to the provider.” Regulation 24(1) provides that: “An adjudicator must ensure that the parties are treated with equality and that each party is given a fair opportunity to present its case.”

In addition to the wide powers of an adjudicator in ADR matters in general, the latter Regulation 24(1) provides an adjudicator with a wide discretion and power to admit corrections and to allow late filing of documents in order to ensure that each party is given a fair opportunity to present its case.

The corrected Reply was submitted one day late (after the substantively correct Reply had been submitted in time), and the error in wording was clearly unintended. The correction of the wording does not change the nature or substance of the Reply. In any event, if the Adjudicator had been confronted by the incorrect wording set out above, he would have understood that the wording was incorrect and, coming from the Complainant, would simply have ignored its contextually incorrect meaning. Accordingly, the Adjudicator has decided to exercise his discretion in favour of the Complainant in this regard, and to admit the corrected Reply.

2. Factual Background

- 2.1) The Complainant, a South African company registered in 1988, is the owner of the V&A Waterfront property in Cape Town. It is also the holding company of the V&A group of companies viz V&A Waterfront Holdings (Pty) Limited, Victoria & Alfred Waterfront (Pty) Limited, V&A Waterfront Properties (Pty) Limited and V&A Waterfront Marina (Pty) Limited. The activities of these companies since 1990 have included developing the Waterfront area, owning and letting shopping centres, owning and letting hotels, letting restaurants, and providing various services including entertainment and

varied events, security, cleaning, etc. The holding company has redeveloped the historic docklands as a mixed-use area with emphasis on retail, tourism, and residential development around a working harbour.

2.2) From (independent) documentation submitted by the Complainant, the V&A Waterfront is South Africa's most visited destination, receiving over 20 million (often repeat) visitors annually. Commercially it has been one of South Africa's biggest real estate success stories. It is clearly a well-known business operation and destination both internationally and in South Africa. It is estimated to attract more foreign tourists than any other single attraction in South Africa. In support of the foregoing, it has been voted the top tourist destination in South Africa on a number of occasions.

2.3) The Complainant is the proprietor of, and hence owns rights in, various trademark registrations that are in force, dating from 1991 and 1999, including:

- a) 1991/04716 VICTORIA & ALFRED WATERFRONT & DEVICE in class 35;
- b) 1991/04717 VICTORIA & ALFRED WATERFRONT & DEVICE in class 41;
- c) 1991/04718 VICTORIA & ALFRED WEATERFRONT & DEVICE in class 42;
- d) 1999/14909 V&A WATERFRONT & DEVICE in class 35;
- e) 1999/1410 V&A WATERFRONT & DEVICE in class 41;
- f) 1999/1411 V&A WATERFRONT & DEVICE in class 42;

and that it is the applicant of various trademark applications dating from 2011 including:

- g) 2011/16718 to -21 V&A in classes 16, 35, 41 & 43, respectively; and
- h) 2011/17379 to -82 V&A WATERFRONT in classes 16, 35, 41 & 43, respectively.

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- 2.4) The Registrant is Mr Brandon Davids, a South African citizen, residing in London. He is in the business of registering domain names containing generic or descriptive terms and phrases.
- 2.5) On 2 November 2008 he registered the disputed domain name, VA.CO.ZA. His reason for doing so was, in his own words: “..... because it is a valuable generic two-letter domain name that is both memorable and marketable.”
- 2.6) At the beginning of July 2011 he began using the disputed domain name to provide users with information on and reviews concerning the accommodations, events, and retail stores that take place (sic!) in or are located at the V&A Waterfront.
- 2.7) On 6 July 2011 the Complainant’s attorneys sent a letter of demand to the Registrant, demanding inter alia that he immediately cease use of the Complainant’s trademarks, passing off his services as that of the Complainant, and because the disputed domain name was an abusive registration, that the Registrant should transfer the disputed domain name to the Complainant. On 15 July the Registrant’s attorneys replied to this letter, inter alia denying the allegations of infringement, passing off and cybersquatting – although, apparently out of excessive caution, the Registrant removed its website linked to the disputed domain name shortly after receiving the letter of demand. On 26 July the Complainant’s attorneys replied to that letter, inter alia denying the allegations made and re-iterating the demand to transfer the disputed domain name to the Complainant, failing which a complaint would be lodged in terms of the ADR Regulations by the Complainant.

3. Parties’ Contentions

3.1 Complainant

- 3.1.1) The Complainant contends that it has registered rights based on various trademark registrations (as set out above) that include V&A and V&A WATERFRONT for the relevant services; and that the Registrant is infringing such registrations by its unauthorized use of the disputed domain name in respect of such services. Based on the enormous number of visitors to its website and its facilities, as well as substantial advertising, it contends further that its name and trademarks V&A and V&A WATERFRONT have become well known trade marks in terms of the Trade Marks Act (“the Act”).
- 3.1.2) The Complainant contends that it has used its name and trademarks V&A and V&A WATERFRONT for about 20 years on an extensive scale in respect of retail, restaurant, accommodation, and related services, and that it has acquired a considerable repute, and hence goodwill, under the common law. Accordingly the actions of the Registrant in advertising hotels, retail outlets and restaurants using the disputed domain name allegedly amount to unlawful competition and passing off under the common law.
- 3.1.3) The Complainant also contends that the Registrant has used parts of the advertising wording and pictures taken from the Complainant’s website, and that this amounts to copyright infringement. This allegedly supports the passing off contention set out above.
- 3.1.4) The Complainant further contends that, although its “official” or formal name, and that of its facilities, is V&A WATERFRONT, it has become known by the shortened form thereof viz V&A, especially to its customers and visitors. This is supported by various independent articles submitted.

3.1.5) The Complainant also contends that the distinctive part of its name and trademark is V&A; and that it is not possible to register a domain name that includes an ampersand symbol (&). Hence the disputed domain name should be regarded as identical, or at least confusingly similar, to the V&A name and trademark of the Complainant (and therefore also to the V&A WATERFRONT name and trademark of the Complainant since the word WATERFRONT is descriptive).

3.1.6) The Complainant finally contends that the disputed domain name, in the hands of the Registrant, is an abusive registration. The Complainant has raised various factors and arguments to support this contention.

3.2 Registrant

3.2.1) The Registrant contends firstly that the Complainant's (above) trademark registrations do not afford protection for the term "VA" *per se* but for various other, combined, elements contained in such registered marks. Hence the Registrant denies that it has infringed any of the rights of the Complainant.

3.2.2) The Registrant's major contention appears to be that the Complainant's trademark registrations cannot provide protection for, or be infringed by use of, a sign or term indicating geographical origin, in terms of the Act (-apparently Sections 10 and 34). The words VICTORIA & ALFRED WATERFRONT or their abbreviation to V&A WATERFRONT are argued to have a purely geographical indication. Accordingly the Registrant argues that he has made good faith geographically descriptive use of the disputed domain name to provide tourists with an independent third-party source of information concerning the area and its facilities (both iro the Complainant's

services and those of its competitors).

3.2.3) The Registrant contends that the Complainant cannot have exclusive rights in or to a generic two-letter combination (VA) in a first-come first-served domain name registration system.

3.2.4) The Registrant contends that the disputed domain name is not confusingly similar to a mark in which the Complainant has rights.

3.2.5) The Registrant contends that it had added a disclaimer to the website linked to the disputed domain name, indicating that the site was not affiliated with any government or corporate entity associated with a name similar to the site domain. However, the Complainant has argued that it was unable to find or see this disclaimer on the website in question.

3.2.6) The Registrant contends that, in view of the aforementioned, it has consistently acted in good faith and that the disputed domain name is not an abusive registration. It has advanced various arguments in support of this contention.

3.2.7) The Registrant contends finally that a finding of reverse domain name hijacking should be made against the Complainant because it knew, or should have known, that it could not prove that the disputed domain name was registered in bad faith. The Complainant denied this contention.

4. Discussion and Findings

- a) In order to succeed in this or any dispute, the Complainant is required to prove, on a balance of probabilities, in terms of Regulation 3, that:

- i) it has rights in respect of a name or mark;
- ii) which is identical or similar to the domain name (in dispute); and
- iii) in the hands of the Registrant, the domain name is an abusive registration.

From the above, it will be seen that the first element to be proved by the Complainant is that it has rights in its name or trademark V&A and V&A WATERFRONT.

Registered rights in respect of a name or mark viz a trademark –

The Complainant has shown that it is the proprietor of various trademark registrations viz for the trademarks VICTORIA & ALFRED WATERFRONT & DEVICE and V&A WATERFRONT & DEVICE in various relevant classes (as set out above). The device in both cases is a sailing ship.

The Complainant has also shown that it is the applicant of various trademark applications for the trademarks V&A and V&A WATERFRONT in various relevant classes (as set out above). However, such applications do not provide the Complainant with rights that enable it to institute infringement proceedings under the Act. See section 33 of the Act, which provides that no person shall be entitled to institute infringement proceedings under the Act in relation to a trademark that not registered under the Act; provided that nothing in this Act shall affect the rights of any person, at common law, to bring any action against any other person. Accordingly, other than to show that the Complainant claims to be the proprietor of these trademarks, these trademark applications will be ignored in the further consideration of Complainant's rights in this dispute.

Reverting to the above-mentioned registrations, these are presently in force, and *prima facie* these registrations must be regarded as valid until and unless decided by the Registrar of Trademarks or the High Court to be

invalid, either partially or *in toto*. See section 24 of the Act. Hence it is not competent for this forum to decide on the possible invalidity of the above registrations. The Registrant has questioned their validity or scope based on the marks indicating a geographical origin. There are two bases in the Act that touch on this aspect viz iro registrability of a trademark in section 10 and iro infringement in section 34.

Section 10(2)(b) excludes the registrability of a mark that consists exclusively of a sign or indication which may serve to designate *inter alia* geographical origin. However, section 10 has a proviso which in effect provides that a mark shall not be refused registration by virtue of paragraph 2 if it (the mark) has in fact become capable of distinguishing as a result of use made of the mark. In other words a geographical mark is registrable if the mark has been used on an extensive basis such that it has become capable of distinguishing.

Section 34(2)(b) restricts the scope of infringement of a registered trademark by excluding from infringement the use by any person of any *bona fide* description or indication of *inter alia* geographical origin. The proviso to this section provides that the use contemplated in paragraph (b) must be consistent with fair practice.

See *Groupe LFE (SA) (Pty) v Swartland Winery Limited & Another* [2011] JOL 27016 (SCA) in which the Supreme Court of Appeal found that the registered trademark SWARTLAND, although indicating a well-known wine-making region in South Africa, had also become capable of distinguishing Swartland Winery's products through extensive use viz it had developed a trademark function. The Court also found that the use by the other party was not *bona fide* descriptive use consistent with fair practice but was trademark use – and hence infringing use because section 34(2)(b) in effect did not apply.

In the Century City case – Century City Apartments Property Services CC and Another v Century City Property Owners’ Association [2010] 2 All SA 409 (SCA) – it was found that CENTURY CITY had become the name of a geographic location and consisted exclusively of such a sign that designated (only) a geographical origin iro certain services (and not also a trademark function). This case is based on particular facts and circumstances and it can therefore be distinguished from the present case.

Whether the Registrant’s use of the disputed domain name has been, or is planned to be descriptive or trademark use, will be examined in some detail below. However, the Adjudicator finds that the Complainant’s name and trademarks, although indicating a geographical site, have also been used for about 20 years, and have developed, to distinguish its goods and services viz as a sign or badge or origin - and this clearly points, in addition, to trademark usage. *Prima facie* the Adjudicator finds, on a balance of probabilities, that the Complainant has rights based on its above trademark registrations viz registered rights.

Common law rights in respect of a name or mark viz a trademark –

The Complainant has contended above that it has a considerable repute or reputation, and hence goodwill, in terms of the common law in respect of its name and trademarks V&A and V&A WATERFRONT. This is supported by various factors such as its advertisements on its website and elsewhere, by its exposure in the media, and by the vast number of customers who use its facilities and visitors to its facilities – all of this extending over a period of about 20 years. The Adjudicator is of the view that, in view of the extensive exposure that the name and trademarks have enjoyed, these have developed a secondary meaning or significance viz a repute for its business (and hence goodwill) that has distinguished its services from that of its competitors, in the minds of the relevant consumer public, viz going beyond

a mere geographical connotation. This is especially the case because the relevant letters and words (which are personal names) do not directly describe any place (such as the West Coast/Weskus, for example, that is clearly a region). Hence the facts of the present case can be distinguished from that of the decided case cited by the Registrant viz ZA2009-0029 – in which the complainant could not prove that it had rights in and to WESKUS MALL.

Accordingly the Adjudicator finds, on a balance of probabilities, that the Complainant has extensive common law rights in respect of its above name and trademarks. In fact, the Adjudicator finds that the Complainant's name and trademarks have become well-known internationally and in South Africa in the relevant sector of the public namely with tourists and visitors to its facilities, and through extensive promotion of its name and trademarks. This aspect has not been challenged by the Registrant other than that these are geographical terms.

The alleged copyright infringement raised by the Complainant (and which has been questioned by the Registrant) deserves a brief mention at this stage. Copyright does not play a direct role in the present proceedings other than that it may impact on, or add to, the alleged passing off by the Registrant of its services as somehow connected or associated with those of the Complainant and/or as to the possible mala fides of the Registrant. However, this does not require further comment at this juncture.

The second element to be proved by the Complainant is that its name and trademarks are identical or similar to the disputed domain name -

It is trite law that when trademarks have to be compared with each other, for whatever purpose, each has to be compared as a whole with the other. The comparison is then carried out iro the sights, sounds, and/or concepts/meanings of the respective marks. This is based on the old English

“Pianotist” case that has been followed by many South African Courts over the years. The Complainant has argued that the respective marks are identical, or are at least similar, while the Registrant has argued that there is no identity or similarity.

In carrying out a comparison, the letters VA have to be compared with:

- the Complainant’s registered trademarks – see above. These trademarks include the words VICTORIA & ALFRED WATERFRONT and a SAILING SHIP DEVICE, in its 1991 registrations; and the letters and words V&A WATERFRONT, CAPE TOWN and a SAILING SHIP DEVICE, in its 1999 registrations. Neither of these two complex trademarks can be considered to be identical or similar to the simple letters VA (even if the letters V&A appear in the complex mark of the 1999 registrations).
- the common law name and trademarks used by the Complainant viz V&A and V&A WATERFRONT. The Complainant has argued that its facilities are often referred to as the “V&A” for short, as confirmed by various independent articles submitted. This is the most distinctive part of its name and trademarks and distinguishes its facilities from those of other waterfronts. The Complainant has also argued that VA is similar to V&A (and to V&A WATERFRONT). In addition to this, it is not possible to register a domain name that includes an ampersand symbol and hence the disputed domain name is likely to be pronounced and read as V&A. Because these are essentially letters that have no meaning, one has to have regard to their sight and their sound – VA and V&A - which are inescapably similar. Accordingly, the Adjudicator finds that, on a balance of probabilities, the disputed domain name is similar to the name and trademarks V&A and

V&A WATERFRONT of the Complainant.

4.1 Complainant's Rights

4.1.1) Complainant therefore has rights in respect of a name or mark which is similar to the disputed domain name.

4.2 Abusive Registration

4.2.1) The third element that the Complainant has to prove is that the disputed domain name, in the hands of the Registrant, is an abusive registration. An abusive registration is defined in the Regulations to mean a domain name which either:

was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's rights; or has been used in a manner that takes unfair advantage of, or is unfairly detrimental to, the Complainant's rights.

4.2.2) Regulation 4 relates to evidence of an abusive registration and provides a number of factors, which may indicate that the disputed domain name is an abusive registration. The Complainant has raised various factors which may indicate that the disputed domain name is an abusive registration.

4.2.3) The first of these factors argued by the Complainant is that the disputed domain name was registered and/or has been used in a manner that takes unfair advantage of, or is unfairly detrimental to, the Complainant's rights. The basis for this is that the disputed domain name takes unfair advantage of the well-known status (that includes the extensive repute or reputation, and hence goodwill) of

the Complainant. To use or take part of the Complainant's goodwill, under circumstances that are likely to lead to confusion amongst customers or potential customers, is to damage the business of the Complainant, resulting in passing off under the common law. See the *locus classicus*, Capital Estate and General Agencies (Pty) Limited v Holiday Inns Inc 1977 2 916 (A), and subsequent cases, explaining the so-called "famous trilogy" of elements required to succeed in a passing off case. The Adjudicator accordingly finds, on a balance of probabilities, that the Complainant has proved this factor in the definition of an abusive registration.

4.2.4) The second of these factors argued by the Complainant is that the disputed domain name was registered primarily to block registration of a name/mark in which the Complainant has rights. The Registrant has argued that he believed the disputed domain name to be a generic, descriptive, geographical indication or term that was available to him, as per his usual business practice, on a first-come, first-served basis as a domain name. It is likely that he was also advised to this effect, albeit wrongly, by his legal adviser. Accepting that this was the case, and on this basis, the Registrant appears to have acted in good faith in registering and using the disputed domain name. Accordingly, it appears to the Adjudicator, on a balance of probabilities, that the disputed domain name was not registered primarily to block the Complainant – although the disputed domain name has this effect in practice.

4.2.5) The third of these factors argued by the Complainant is that the Registrant is using or has registered the disputed domain name in a way that leads people to believe that it is registered to, operated to or authorized by, or otherwise connected with the Complainant.

Whether or not the Registrant acted in good faith in registering the disputed domain name, the effect of such registration is that there is a likelihood that consumers may be confused, and to associate the two parties and their business with each other – a classical passing off situation in view of the repute of the Complainant.

Although the Registrant had argued that he had placed a disclaimer notice on the website connected to the disputed domain name in order to avoid confusion with the Complainant and its business, the Complainant was not able to see or find such a notice. Therefore this cannot assist the Registrant in its alleged attempt to avoid confusion. The Registrant has also argued that other traders in and around the facilities of the Complainant also use, and are allowed to use, V&A or V&A WATERFRONT in their businesses. However, such use is of course purely descriptive, geographic use as opposed to the geographic use AND trademark use of and by the Complainant. See the decided local domain cases ZA2008-0022 (Samsung case); ZA2008-0018 (Bikeandleisure case); and ZA2009-003 (Netconnect case); and the foreign domain cases such as WIPO D2000-531 (Tetrapak case); and other cases that confirm the above passing off position, for example, WIPO D2000-0545; NAF/FA95319; NAF/FA95464; and NAF/FA95498.

See in particular the decided case WIPO D2009-0307 in which the Panel stated: “Prior panels have concluded that a respondent, in certain circumstances, may have a right to register and use a domain name consisting of a short, generic letter combination or acronymic term to attract Internet traffic to the respondent’s website, even where the domain name is identical or confusingly similar to the complainant’s mark, provided the domain name was not registered

with the complainant's mark in mind and its use does not seek to profit from or exploit the goodwill developed in the complainant's mark."

See also in this regard the cases WIPO D2007-0261; WIPO D2002-0105; and WIPO D2000-0770. The Registrant has been at pains to argue repeatedly that his use of the disputed domain name has been bona fide, descriptive, and geographic use by his business. Such use does not appear to have much if any intrinsic value but yet the Registrant has described the disputed domain name as "valuable", "memorable" and "marketable" - why is that unless it has a unique and distinguishing competitive edge for his business? Hence it appears to the Adjudicator that the Registrant has attempted to adopt the disputed domain name as a trademark for his business rather than as a merely descriptive term. Accordingly the Adjudicator finds, on a balance of probabilities, that the Complainant has proved this particular factor.

4.2.6) Overall therefore, and based on the above, the Adjudicator finds, on a balance of probabilities, that the disputed domain name is an abusive registration.

4.2.7) The final issue to deal with is the contention by the Registrant that a finding should be made against the Complainant based on reverse domain hijacking – because it knew, or should have known, that it could not prove that the disputed domain name was registered in bad faith.

'Reverse domain name hijacking' is defined in the Regulations to mean using the Regulations in bad faith to attempt to deprive a registrant of a domain name.

Although the basis advanced by the Registrant above is not exactly as defined in the Regulations, the Adjudicator is obliged to take a broad view of the basis on which the Registrant has made this submission. It is not required to show that the Complainant could not prove that the disputed domain name was registered in bad faith, See the three elements necessary to succeed in a domain name dispute and the definition of an abusive registration, both of which are set out above, and neither of which mention bad faith as a requirement. What is required to be proved for reverse domain name hijacking is that the Complainant has used the Regulations in bad faith – for example if it could not prove that it had any relevant rights. In view of the Complainant proving that it had the necessary rights that it could enforce against the Registrant, it cannot be shown or accepted that the Complainant has used the Regulations in bad faith. Accordingly the Adjudicator, on a balance of probabilities, dismisses this contention by the Registrant.

5. Decision

- 5.1) For all the foregoing reasons, in accordance with Regulation 9, the Adjudicator orders that the domain name, VA.CO.ZA, be transferred to the Complainant.

.....
ANDRE VAN DER MERWE
SAIIPL SENIOR ADJUDICATOR
www.DomainDisputes.co.za