

ADMINISTRATIVE PANEL DECISION

Capitec Bank Limited v. Barizi Web Solutions Case No. D2022-2248

1. The Parties

The Complainant is Capitec Bank Limited, South Africa, represented by Werksmans Attorneys, South Africa.

The Respondent is Barizi Web Solutions, Kenya.

2. The Domain Name and Registrar

The disputed domain name <capitecinsurance.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 24, 2022. On June 24, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 25, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2022. The Respondent sent an email to the Center on July 4, 2022; however, no formal Response was filed with the Center. Accordingly, the Center notified the Parties of the commencement of panel appointment process on July 25, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on August 5, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

On August 5, 2022, the Respondent submitted an unsolicited supplemental filing to the Center.

4. Factual Background

The Complainant is a public limited company incorporated in South Africa. It provides retail banking, finance and insurance services.

The Complainant is the owner of numerous registrations for the trademark CAPITEC in various territories throughout the world. Those registrations include, for example, South African trade mark registration number 2000/15987 for the word mark CAPITEC, registered on August 11, 2000 for services in International Class 36 including “services relating to insurance.”

The disputed domain name was registered on March 14, 2022.

According to evidence submitted by the Complainant, the disputed domain name did not resolve to any active website as of April 14, 2022. On June 14, 2022, and at the date of this Decision, the disputed domain name resolved to an “index” page including a notice “403 Forbidden – Access to this resource on the server is denied!” At one point the disputed domain name resolved to a contact page for “Barizi Web Solutions”.

5. Parties’ Contentions

A. Complainant

In accordance with paragraph 4(a) of the Policy, the Complainant contends that the disputed domain name is confusingly similar to a trademark in which it has rights, that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name has been registered and is being used in bad faith. The Complaint makes detailed submissions and provides evidence in support of these contentions, which the Panel considers it unnecessary to summarize in detail in view of its finding below.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

In its email to the Center dated July 4, 2022, the Respondent stated that it was web design company which had registered the disputed domain name on behalf of a client.

In its unsolicited supplemental filing dated August 5, 2022, the Respondent states:

“In regards to the domain name in question, the client has agreed to give out the domain. So kindly let me know how you want to go ahead with the transfer. Also the client has registered his company here in Kenya using the name Capitec, would there be any issues using the Kenyan local domain (.co.ke)?”

6. Discussion and Findings

The Panel finds that the Complainant has established a *prima facie* case in support of its Complaint in accordance with paragraph 4(a) of the Policy.

The Panel finds further that the Respondent’s submissions above to amount to “a respondent’s informal or unilateral consent for the transfer of the domain name to the complainant outside the ‘standard settlement process’” (see section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

In the case of such unilateral consent, a panel may order the requested remedy solely on the basis of consent, unless it finds it appropriate in all the circumstances to proceed to a reasoned decision. The Panel sees no reason to proceed to a reasoned decision in the circumstances of the present case and therefore orders the transfer of the disputed domain name by consent.

The second matter raised by the Respondent in its unsolicited supplemental filing is not an issue for the Panel. Nor does the Panel consider that this matter renders the Respondent's consent to transfer the disputed domain name in any manner ambiguous.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <capitecinsurance.com>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: August 17, 2022