



**CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE**  
**DOMAIN NAME DISPUTE**  
**ADMINISTRATIVE PANEL**  
**DECISION**

**CIIDRC case number: 14286-URDP**

**Decision date: December 23, 2020**

**Panelist: Fabrizio Bedarida**

**Domain name in Dispute: lassondes.com**

**Complainant: Lassonde Industries Inc**

**Respondent: Edward Samuel**

**1. PROCEDURAL HISTORY**

The Canadian International Internet Dispute Resolution Centre ("CIIDRC") has informed the Panel as follows: The Complaint under the Uniform Domain Name Dispute Resolution Policy ("Policy") was filed with the CIIDRC on November 5, 2020 requesting a single-member Panel. The CIIDRC checked the Complaint and determined that it satisfies the formal requirements of the Policy, the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CIIDRC Supplemental Rules. The CIIDRC transmitted by email to the concerned Registrar a request for registrar verification in connection with the disputed domain name. On November 6, the Registrar confirmed that the disputed domain name was placed in a Registrar LOCK. The Registrar also provided the identity and contact details of the Respondent to the CIIDRC. On November 11, 2020, CIIDRC, as Service Provider, confirmed compliance of the Complaint and commencement of the dispute resolution process. Pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice with login information and a link to the Complaint to the Respondent on November 11, 2020. The Respondent failed to file its response by the due date of December 2, 2020. On December 11, 2020 the CIIDRC appointed Mr. Fabrizio Bedarida as a single-member Panel and so notified the Parties to this proceeding. 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. The Center set December 28, 2020, as the due date to receive the decision from the Panel.

Domain Name: lassondes.com

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## 2. FACTS ALLEGED BY THE PARTIES

The Respondent registered the disputed domain name on March 9, 2020.

The Complainant, Lassonde Industries Inc. (hereinafter the “**Complainant**” or “**Lassonde**”), was incorporated on or about September 3, 1981. Before the Complainant’s incorporation in 1981, its affairs were conducted by its predecessors: an individual enterprise, “Lassonde”, which was founded in 1918 by Aristide Lassonde, and the company A. Lassonde Inc., which was incorporated in 1962. On or about March 15, 1984, the Complainant’s denomination was changed to Lassonde Industries Inc..

The name “Lassonde” has therefore been used by Lassonde and its predecessors since 1918.

Since its incorporation in 1981, Lassonde has grown to become a well-known North American corporation whose shares have been listed on the Toronto Stock Exchange since 1987.

The Complainant’s operations revolve around the development, manufacturing and marketing of a wide range of ready-to-drink juices and drinks, specialty food products such as fondue broths, sauces and pasta sauces, the production of cranberry sauces, apple cider and cider-based beverages, and the importation of selected wines.

The Lassonde trademark and design is registered in Canada and in the US.

At the time of this decision the disputed domain name does not resolve to an active website.

## 3. CONTENTIONS OF THE PARTIES

- **Complainant**

I. The domain name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant contends that the disputed domain name is confusingly similar to the LASSONDE trademark.

II. The Respondent has no rights or legitimate interests in respect of the domain name.

In support of this claim the Complainant asserts that:

The Respondent poses as the Complainant, and consequently, the Respondent cannot argue that it is commonly known in relation to the disputed domain name considering that it uses said

disputed domain name to defraud third parties into thinking they are dealing with the Complainant itself.

The Respondent furthermore uses the email address associated with the disputed domain name to make false and fraudulent offers of employment for the sole purpose of gathering private information on third parties, once again posing as the Complainant, which clearly makes it impossible for the Respondent to claim to have any legitimate interest in the disputed domain name.

III. The domain name has been registered and is being used in bad faith.

The Respondent's fraudulent intent and bad faith is evident in that it poses as the Complainant, and as the Complainant's chairman of the board, without any authorisation to do so, and for the obvious purpose of defrauding third parties;

The Respondent uses the Complainant's address in Canada, the Complainant's denomination "Lassonde Industries Inc.", and makes unauthorized use and copies of Complainant's mark and registered trademark on false and fraudulent documents, and even refers to the Complainant's real domain name, "lassonde.com".

- **Respondent**

The Respondent did not submit a response.

- **Remedy Sought**

The Complainant asks for the disputed domain name to be transferred from the Respondent to the Complainant.

## **4. DISCUSSION AND FINDINGS**

### **4.1 Requirements**

In accordance with Paragraph 4 of the Policy, the onus is on the Complainant to prove:

- 1) That the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- 2) That the Respondent has no rights or legitimate interests in the Domain Name; and
- 3) That the Domain Name has been registered and is being used in bad faith.

To consider each of these requirements in turn.

## 4.2 Analysis

### 4.2.1 That the Domain Name is Identical or Confusingly Similar to a Mark in which the Complainant has Rights

The Complainant has established rights in the LASSONDE trademark by documenting that it is the owner of the Canadian LASSONDE trademark and design, registration no. TMA694085 filed on November 23, 2004 and registered on August 15, 2007, and of the US LASSONDE trademark and design, registration no. 3155724 filed on April 7, 2005 and registered on October 17, 2006.

The disputed domain name is identical to the textual part of the Complainant's LASSONDE trademark, save for the addition of the letter "s" and the ".com" generic Top-Level Domain ("gTLD").

Owing to the fact that the design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for the purposes of assessing identity or confusing similarity under the first element; see section 1.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"). Considering that also gTLDs are generally disregarded under the test for confusing similarity for the purposes of the Policy, the only difference is given by the addition of the letter "s" to the Complainant's trademark.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

### 4.2.2 That the Respondent has No Rights or Legitimate Interest in the Domain Name

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent has no connection to or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademark. The Respondent does not appear to be making any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. In addition, the Respondent does not appear to be commonly known by the name "LASSONDES" or by a similar name. In fact, it appears that the Respondent solely uses the disputed domain name to pass itself off as the Complainant. Moreover, the Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name.

The Complainant has submitted evidence that the Respondent uses the email address associated with the disputed domain name to make false and fraudulent offers of employment and to pose as the Complainant, and as the Complainant's chairman of the board, without any authorisation to do so.

This use of a domain name to mislead internet users does not represent a *bona fide* offering of goods or services or any legitimate noncommercial or fair use of the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

#### **4.2.3 That the Respondent has Registered and Used the Domain Name in Bad Faith**

The Panel, on the basis of the evidence presented, accepts and agrees with the Complainant's contentions that the disputed domain name was registered in bad faith and has been used in bad faith.

Particularly relevant are the Complainant's unchallenged assertions (which the Panel accepts and partially reports below) that:

The Respondent uses the email address associated with the disputed domain name to make false and fraudulent offers of employment and to pose as the Complainant, and as the Complainant's chairman of the board, without any authorisation to do so.

The Panel finds that the above qualifies as bad faith registration and use under paragraph 4(b)(iv) of the Policy, i.e.: *by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.*

The Panel further notes that, given the above use of the disputed domain name, the Respondent could not have been unaware of the existence of the Complainant's trademarks when registering the disputed domain name.

Therefore the Panel finds that the Complainant has satisfied the third requirement that the Respondent has registered and is using the disputed domain name in bad faith, under paragraph 4(a)(iii) of the Policy.

## **5 DECISION and ORDER**

Domain Name: lasondes.com  
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For the above reasons, in accordance with Paragraph 4 of the Policy, Paragraph 15 of the Rules, and Rule 10 of the Supplemental Rules, the Panel orders that the disputed domain name be transferred to the Complainant.

Made as of December 23, 2020.

SIGNATURE OF PANEL



**Fabrizio Bedarida**

