

**IN THE MATTER OF A COMPLAINT PURSUANT TO
THE CANADIAN INTERNET REGISTRATION AUTHORITY
DOMAIN NAME DISPUTE RESOLUTION POLICY**

Dispute Number: 19988-CDRP

Domain Name: <blockchainubc.ca>

Complainant: The University of British Columbia

Registrant: Anil Jagdhane

Registrar: All Internet Inc.

Panel: The Honorable Neil Anthony Brown, KC

Service Provider: Canadian International Internet Dispute Resolution Centre

DECISION

OVERVIEW

1. This matter concerns a dispute between the Complainant and the Registrant regarding the registration and use of the domain name < blockchainubc.ca> ("the disputed domain name").
2. The Canadian International Internet Dispute Resolution Centre ("CIIDRC") is a recognized service provider to the CIRA Domain Name Dispute Resolution Policy ("the Policy") of the Canadian Internet Registration Authority ("CIRA").
3. This is a proceeding under the CIRA Domain Name Dispute Resolution Policy (the "Policy"), in accordance with the CIRA Dispute Resolution Rules (the "Rules").
4. The Complainant claims that the Registrant registered the disputed domain name in breach of the Policy and that the domain name should be transferred from the Respondent to the Complainant. The Registrant has not filed a Response in this proceeding.

THE PARTIES

1. The Complainant in this proceeding is The University of British Columbia, 6328 Memorial Road, Vancouver, BC, V6T 1Z2 ("the Complainant") and its Authorised Representative in the proceeding is Michael Serebriakov, Vancouver, British Columbia, Canada.
2. The Registrant of the domain name in this proceeding is Anil Jagdhane ("the Registrant") of First Floor, Aurangabad Maharashtra, India 431001; email: kashish@gwebsoft.com, postmaster@blockchainubc.ca.

REGISTRATION OF THE DISPUTED DOMAIN NAME

1. The disputed domain name <blockchainubc.ca> ("the disputed domain name") was registered by the Registrant on December 30, 2020.
2. The Registrar of the disputed domain name is All Internet Inc.

PROCEDURAL HISTORY

According to the information provided by the CIIDRC:

- (a) The Complainant filed a Complaint with respect to the disputed domain name in accordance with the Policy on November 7, 2022.
- (b) The Complaint was reviewed and found to be administratively compliant. By letter dated January 5, 2023, the CIIDRC as service provider confirmed administrative compliance of the Complaint and commencement of the dispute resolution process, as Notice in accordance with Rules 2.1 and 4.3 and forwarded a copy of the Complaint to the Registrant together with its Schedules, by email on August 27, 2018, together with CIIDRC's commencement letter. On January 6, 2023, CIIDRC received an email response from a representative of the Registrant which acknowledged receipt of the commencement letter.
- (c) No response was received by the deadline of January 16, 2023 or at all.
- (d) As permitted, given the absence of a Response, the Complainant elected to convert from a three-person tribunal to a single arbitrator.
- (e) CIIDRC appointed as a single-member Panel in this proceeding The Honorable Neil Anthony Brown KC who has completed and returned to CIIDRC a statement of acceptance and a declaration of impartiality and independence. The Panel's decision is due to be provided to CIIDRC by February 24, 2023.
- (f) The Panel has reviewed all of the material submitted by the Complainant and is satisfied on that material that the Complainant is an eligible Complainant under the Policy and the Rules by virtue of its being a Canadian university and its ownership of the trademark registrations referred to hereafter.

FACTS

The facts set out below are taken from the Complaint, together with related exhibits.

The Complainant is a Canadian university in British Columbia that:

- (a) is an educational institution within the meaning of s. 2 (j)(i) of CIRA's Canadian Presence Requirements (" the Requirements"), namely a university located in Canada which is authorized and recognized as a university under an Act of the legislature of a province of Canada;
- (b) owns relevant trademark registrations granted by the Canadian Intellectual Property Office ("CIPO"), within the meaning of s.2 (q) of the Requirements; and
- (c) owns relevant official marks for which public notice has been given by CIPO, within the meaning of s.2 (r) of the Requirements.

The trademark registrations and official marks are set out in the Complaint and particulars of those registrations are set out in Schedule 1 to the Complaint.

The Complainant was founded in 1915, is a very prominent university in Canada and it has a distinguished alumni. As part of its activities, it offers a multidisciplinary research cluster which focuses on blockchain technology under its well-known abbreviation <blockchain@UBC>. This is operated under a subdomain of its principal domain name of the Complainant at <ubc.ca>, namely <blockchain.ubc.ca>. That activity of the Complainant is widely disseminated to the public by regular newsletters and other means.

It has come to the notice of the Complainant that on December 30, 2020, the Registrant registered the disputed domain name and caused it to resolve to a website. This was and is a matter of concern to the Complainant, as the subject matter of the Registrant's website covers a lot of generic information on blockchain, the same subject matter that is covered by the Complainant's research cluster on blockchain and in its newsletters, which in turn is associated with its subdomain and hence with the Complainant itself.

The Registrant's website to which the disputed domain name resolves therefore provides information about blockchain technology under the prominently displayed domain name <blockchainubc.ca>. The website describes in detail the function of blockchange and the website's role in it. In offering its knowledge and services to internet users, it uses expressions such as "we", "our partners", "our database" and "our team", clearly meaning that the services written up on the website can be provided by the owner of the website.

This material has been provided to the Panel in evidence by means of Schedule 8 to the Complaint and the Panel has examined that evidence.

The Complainant also became aware that the domain name was for sale at an excessive price and it thereupon decided to bring this proceeding to have the domain name transferred to itself. The Complainant has not given the Registrant permission to use its UBC trademarks in its domain name, on its website or anywhere else.

It therefore seeks to have the disputed domain name transferred to itself to protect its good name and maintain the integrity of the UBC trademarks.

CONTENTIONS OF THE PARTIES

A. THE COMPLAINANT

The Complainant submits as follows:

1. CANADIAN PRESENCE REQUIREMENTS

The Complainant submits that it satisfies the Canadian presence requirement of paragraph 1.4 the Policy in view of the fact that the Complainant is a Canadian university in British Columbia that:

- (a) is an educational institution within the meaning of s. 2 (j)(i) of CIRA's Canadian Presence Requirements ("the Requirements"), namely a university located in Canada which is authorized and recognized as a university under an Act of the legislature of a province of Canada;
- (b) owns relevant trademark registrations granted by the Canadian Intellectual Property Office ("CIPO"), within the meaning of s.2 (q) of the Requirements; and
- (c) owns relevant official marks for which public notice has been given by CIPO, within the meaning of s.2 (r) of the Requirements.

2. THE REGISTRATION OF THE DISPUTED DOMAIN NAME

- (a) The disputed domain name was registered by the Registrant on December 30, 2020. The Registrant is Anil Jagdhane of First Floor, Aurangabad Maharashtra, India 431001; email: kashish@gwebsoft.com, postmaster@blockchainubc.ca.
- (b) The Registrar of the disputed domain name is All Internet Inc.

THE GROUNDS ON WHICH THE COMPLAINT IS MADE

Confusingly Similar

The Complainant is the owner of the following trademarks that are the subject of registration in Canada and in the Canadian Intellectual Property Office ("the "CIPO") under the Trade-marks Act (Canada) R.S.C. 1985,

c.T-13, namely Canadian Trademark Registrations:

- (a) No. 902477, registered on January 21, 1987 for U.B.C.;
- (b) No. 902488, registered on April 8, 1987 for UBC;
- (c) No. 923484, registered on July 22, 2015, for a design trademark including UBC; and
- (d) No. 1305572/TMA 15904, registered on June 4, 2008 for UBC.;

("the UBC marks").

Those trademarks are part of a family of UBC trademarks of which the Complainant relies directly on the foregoing specified trademarks as being directly relevant to this proceeding.

The Complainant submits that the disputed domain name is confusingly similar to the UBC marks because it includes the UBC marks, to which the Registrant has merely added a generic or descriptive term, namely "blockchain", which describes the goods and services offered by the Complainant. Moreover, the Complainant submits that the disputed domain name is identical in all substantive respects to the Complainant's subdomain " blockchain.ubc.ca".

In determining whether the disputed domain name is confusingly similar to the Complainant's trademark, the ".ca" suffix should be excluded.

Legitimate Interest

The Complainant submits that the Registrant has no legitimate interest in the disputed domain name as it:

- (a) registered and has used the disputed domain name in bad faith;
- (b) the acts constituting the registration and use of the domain name on the Registrant's website show that it has registered and used the domain name in bad faith;
- (c) the Registrant has engaged in typosquatting on the UBC marks and its subdomain and has engaged in attempting to confuse internet users who are attempting to navigate to the Complainant's official website; and
- (d) there are no facts to show that the Registrant has or could have a legitimate interest in the disputed domain name.

Registration in Bad Faith

The Complainant submits that the Registrant registered the disputed domain name in bad faith as it:

- (a) registered the domain name for the primary purpose of selling, renting, licensing otherwise transferring it in breach of paragraph 3.5(a) of the Policy;
- (b) registered the domain name primarily for the purpose of disrupting the business of the Complainant in breach of paragraph 3.5(c) of the Policy;
- (c) has created a likelihood of confusion with the UBC marks in breach of paragraph 3.5(d) of the Policy;
- (d) had knowledge of the Complainant and the UBC marks;

- (e) registered the domain name which is essentially identical to the Complainant's sub-domain name at "blockchain.ubc.ca" so that internet users seeking the subdomain could mistakenly arrive at the Registrant's website;
- (f) has attempted to typosquat on the Complainant's own subdomain name; and as it
- (g) has by reason of all the circumstances registered the disputed domain name in bad faith.

Conclusion.

The Complainant has therefore submitted that the disputed domain name should be transferred to the Complainant.

B. THE REGISTRANT

The Registrant did not file a Response to this proceeding.

DISCUSSION OF THE ISSUES AND FINDINGS OF THE PANEL

1. CANADIAN PRESENCE REQUIREMENTS

Paragraph 1.4 of the Policy provides that a complainant initiating a complaint must satisfy the Canadian Presence Requirements for Registrants in respect of the domain name that is the subject of the proceeding.

- (a) The evidence of the Complainant, which the Panel accepts, is that the Complainant is a university as defined in the Requirements.

Thus, the Complainant comes within the meaning of paragraph 2(j)(i) of the Requirements and qualifies.

- (b) Paragraph 2 (q) of the Canadian Presence Requirements for Registrants also establishes that requirement in the following circumstance:

"Trade-mark registered in Canada. A Person which does not meet any of the foregoing conditions, but which is the owner of a trade-mark which is the subject of a registration under the *Trade-marks Act* (Canada) R.S.C. 1985, c.T-13 as amended from time to time, but in this case such permission is limited to an application to register a .ca domain name consisting of or including the exact word component of that registered trade-mark;..."

The evidence of the Complainant, which the Panel accepts, is that the Complainant is the owner of the UBC marks that are set out above and which are the subject of registration under the Trade-marks Act (Canada) R.S.C. 1985, c.T-13.

Thus, the Complainant comes within the meaning of paragraph 2(q) of the Requirements and qualifies.

- (c) The evidence of the Complainant, which the Panel accepts, is that the Complainant owns official marks for which notice has been given.

Thus, the Complainant comes within the meaning of paragraph 2 (r) of the Requirements and qualifies.

The Complainant has on three bases therefore satisfied CIRA's Canadian Presence Requirement for Registrants in respect of the disputed domain name and is entitled to initiate the Complaint.

2. REGISTRATION OF THE DISPUTED DOMAIN NAME

The evidence is that the disputed domain name was registered by the Registrant on December 30, 2020. The evidence is also that the Registrar of the domain name is All Internet Inc. The Panel accepts that evidence.

The Panel will therefore proceed with this matter on the basis that the Complainant has made out its standing to file the Complaint, that the Registrant is the proper party against whom the proceeding should be brought and that the Panel has jurisdiction to hear and determine the proceeding.

3. GENERAL

The purpose of the Policy, as stated in paragraph 1.1, is to provide a forum in which cases of bad faith registration of .CA domain name can be dealt with relatively inexpensively and quickly.

In accordance with paragraph 4.1 of the Policy, to succeed in the Proceeding, the Complainant must prove, on the balance of probabilities, that:

- (a) the Registrant's dot-ca domain name is "Confusingly Similar" to a Mark in which the Complainant had rights prior to the date of registration of the domain name and continues to have such Rights; and
- (b) the Registrant has registered the domain name in bad faith as described in paragraph 3.5 or generally; and
- (c) the Complainant must provide some evidence that the Registrant has no legitimate interest in the domain name as described in paragraph 3.4.

The Panel will now deal with each of the three elements.

CONFUSINGLY SIMILAR

As the Complainant correctly submits, it is required to prove that the disputed domain name is confusingly similar to a Mark in which the Complainant had rights prior to the date of registration of the disputed domain name and continues to have such rights. The Complainant must therefore show that it has rights to a mark, that it had those rights before the domain name were registered, that it still has them and that the disputed domain name is confusingly similar to the mark on which it relies to establish that proposition. The Complainant submits that it can meet those requirements. The Panel agrees for the following reasons.

The Mark

The first question that arises is whether the Complainant has a trademark on which it can rely for the purpose of this proceeding.

The Complainant relies on a series of trademarks which have already been specified and which are set out in Schedule 1 to the Complaint. The Panel has examined the evidence in that regard and finds that the trademarks have been proved. The Complainant has also submitted that the four trademarks specified and referred to above are "the most directly relevant" to the proceeding and the Panel finds that that is an appropriate way to analyse the evidence. In any event, the Complainant is required under the Policy only to prove and rely on "a trademark" and its evidence therefore more than meets that requirement.

Copies of the relevant trademark registrations have been adduced.

The next question that arises is whether the UBC trademarks are in each case a "mark(s) "in which the Complainant had rights prior to the date of registration of the disputed domain name and continues to have such rights".

The Panel has examined the evidence of the Complainant's trademarks in question and finds that it shows that the UBC trademarks are marks "in which the Complainant had rights prior to the date of registration of the disputed domain name and continues to have such rights". The Panel therefore finds that the UBC trademarks are marks in which the Complainant had rights before the disputed domain name was registered and in which it still has rights.

Confusingly similar

Pursuant to paragraph 3.3 of the Policy, a domain name will be found to be confusingly similar with a mark if it so nearly resembles the same in appearance, sound or in the ideas suggested so as to be likely to be mistaken for the mark. The test to be applied when considering "confusingly similar" is one of first impression and imperfect recollection and the "dot-ca" suffix should be excluded from consideration. Having regard to those principles, the Panel finds that the disputed domain name is confusingly similar to the UBC trademarks.

The Panel finds that the disputed domain name is confusingly similar to the UBC trademarks because it contains the entirety of the trademark in the domain name, that is to say, the "ubc" part of the domain name.

The internet user would conclude that the domain name was similar to the trademark because it included the trademark in the domain name, which is a similarity between the two. Then, the internet user would conclude that the similarity was confusing because the domain name was probably related to or connected in some way to the UBC trademarks, most likely because the letters "ubc" are in the domain name, which also includes the word "blockchain".

Moreover, an internet user would also conclude that the idea suggested by the domain name was that it was an official domain name that would lead to an official website dealing with the Complainant's blockchain activities conducted at and by the UBC, which signifies the prominent and respected University of British Columbia because of the fame of that institution. Putting these considerations together, the internet user would probably conclude that this may well be a domain name of the University of British Columbia itself concerning its activities in the field of the blockchain process.

Accordingly, the disputed domain name is, for the purposes of the Policy, confusingly similar to the UBC trademarks as it so nearly resembles the marks in appearance, sound and in the ideas suggested as to be likely to be mistaken for the UBC trademarks within the meaning of Paragraph 3.3 of the Policy, especially when used as they were in the domain name.

The Panel therefore concludes that the disputed domain name is confusingly similar to the UBC trademarks in which the Complainant had rights prior to the registration date of the disputed domain name and in which it continues to have such rights.

The Complainant has thus made out the first of the three elements that it must prove.

REGISTRATION IN BAD FAITH

The Panel now turns to consider whether the disputed domain name was registered in bad faith. In that regard, the Panel notes that, consistent with the decision in *Canadian Broadcasting Corporation? Societes Radio-Vanada v. William Quon*, CIRA Dispute Number 00006(April 8, 2003), pp.13-14, surrounding circumstances may be considered in assessing whether the disputed domain name has

been registered in bad faith. In the course of this examination, the Panel must consider if the Complainant has made out a *prima facie* case on this issue.

By clause 3.1 (c) of the Policy, the Complainant is obliged to prove that:

“ the Registrant has registered the domain name in bad faith as described in paragraph 3.5.”

Section 3.5(a)

Section 3.5 provides that “(f)or the purposes of paragraphs 3.1(c) ... any of the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence that a Registrant has registered a domain name in bad faith...” and then goes on to provide four such circumstances. The Complainant relies in particular on Section 3(5)(a) which provides:

“(a) the Registrant registered the domain name, or acquired the Registration, primarily for the purpose of selling, renting, licensing or otherwise transferring the Registration to the Complainant, or the Complainant’s licensor or licensee of the Mark, or to a competitor of the Complainant or the licensee or licensor for valuable consideration in excess of the Registrant’s actual costs in registering the domain name, or acquiring the Registration; ...”

The Panel finds that the facts of the case bring it within that provision. It is clear from the evidence that the Registrant was primarily motivated by an intention to try to sell the domain name to the Complainant, or, failing that, to sell it to a competitor of the Complainant or another specified entity and at a price in excess of its costs of the registration. That is known because the evidence is that this is what the Registrant tried to do and that it was prepared to accept the price of \$1500. The evidence is unequivocal in that regard as is seen from Schedules 9, 10 and 11 to the Complaint. This ground is therefore clearly made out on the evidence. The Panel therefore finds that the Registrant has registered the domain name in bad faith by committing a breach of Section 3.5(a) of the Policy.

Section 3.5(c)

The evidence also brings the case within the provisions of Section 3.5 (c), namely that:

“(c) the Registrant registered the domain name or acquired the registration primarily for the purpose of disrupting the business of the Complainant, or the Complainant’s licensor or licensee of the Mark, who is a competitor of the Registrant;...”.

The Registrant made itself a competitor of the Complainant by its conduct in the use of the UBC trademarks and such conduct has been found by previous panels to constitute bad faith.

Moreover, the effect of the use of the domain name would inevitably be that internet users would assume that the domain name gave access to the owner of the domain name which on its own words dealt with the blockchain activities of the University of British Columbia. The Registrant clearly wanted to have internet users contact it, rather than the University of British Columbia and it must have known that this would inevitably disrupt the business of the Complainant, because internet users would be dealing with the Registrant and not with the Complainant. This ground is clearly made out on the evidence. The Panel therefore finds that the Registrant has registered the domain name in bad faith by committing a breach of Section 3.5(c).

Section 3.5(d)

The matter also comes within Section 3.5 (d) which provides that:

“(d) the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant’s website 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 the Registrant’s website or location or of a product or service on the Registrant’s website or location.”

Clearly, the Registrant wanted to cause confusion and set about it by causing the domain name to resolve to its own website to give the impression that the Complainant was by some means lending its good name to promoting the goods and services of the Registrant relating to blockchain. Indeed, as we have seen from the Registrant’s website to which the disputed domain name resolves, it actually deals with blockchain and under a heading that is the disputed domain name itself, namely <blockchainubgc.ca>. The clear intention of the Registrant therefore is to suggest that this blockchain work in question is being done by the Registrant under the “source, sponsorship, affiliation, or endorsement” of the University of British Columbia. That shows a deliberate effort to mislead internet users.

Moreover, if the domain name remains with Registrant, further disruption is almost certain. That is because the Registrant has taken the Complainant’s trademark without permission, used it in its domain name and sought by that means to divert some of the Complainant’s business to itself by confusing the public. The confusion created is as to whether the internet user has arrived at the Complainant’s site or not and whether or not the services being offered are those of the Complainant, a respected institution, or by the Registrant.

Accordingly, the evidence shows that the Registrant intended to attract internet users to its website by creating confusion as to whether its contents had emanated from the University of British Columbia or from the Registrant. It is in fact the classic case of intentional confusion.

The Panel therefore finds that the Registrant has registered the domain name in bad faith by committing a breach of Section 3.5(d).

Bad Faith in General

It is to be noted that the criteria for bad faith are not exclusive, but that complainants may rely on circumstances other than those enumerated to show bad faith registration.

Bad faith registration may also be shown by conduct other than the conduct specified in the various criteria mentioned above. This is made clear by Section 3.5 providing as it does, that “(f) or the purposes of paragraphs

3.1(c) ... any of the following circumstances, *in particular but without limitation*, if found by the Panel to be present, shall be evidence that a Registrant has registered a domain name in bad faith... “(emphasis added). This provision is included, as bad faith conduct may take many forms and it is frequently used to find bad faith registration and (under the Uniform Domain Name Dispute Resolution Policy) bad faith use.

The Panel has examined all of the evidence carefully and has concluded that it shows that the Registrant registered the domain name in circumstances that can fairly be described as bad faith within the generally accepted meaning of that expression. Indeed, there is no other interpretation that can be placed on the evidence.

In particular, the Panel also agrees with the Complainant that bad faith is shown in this proceeding by:

- (a) the fact that the disputed domain name is essentially identical to the Complainant's own sub-domain at <blockchain.ubc.ca> apart from the absence of a period or full stop between "blockchain" and "ubc"; and
- (b) the domain name appears to be an attempt by the Registrant to typosquat on the Complainant's own subdomain name.

The Complainant has thus also made out this element.

NO LEGITIMATE INTEREST IN THE DOMAIN NAME

The Complainant submits that the Registrant does not have a legitimate interest in the disputed domain name within Section 3.4 of the Policy. Under the Policy, the question whether the Registrant has a legitimate interest in a disputed domain name is to be decided in the following framework.

First, there must be an assertion that the Registrant has no legitimate interest in the domain name. That criterion has been satisfied because the Complainant has made such an assertion in the Complaint.

Secondly, the Complainant must provide some evidence that

"...(c) the Registrant has no legitimate interest in the domain name *as described in paragraph 3.4 (emphasis added).*"

Each of the sub-paragraphs of paragraph 3.4 describes a situation which, if made out, would give the Registrant a legitimate interest in the domain name. The obligation on the Complainant is therefore to show that the Registrant cannot make out any of the successive tests in the sub-paragraphs of 3.4.

Thirdly, the Panel has to decide whether the evidence as a whole, shows on the balance of probabilities that the Registrant has a legitimate interest in the domain name.

Fourthly, the Registrant is not confined to the criteria set out in that paragraph, for those criteria are "without limitation". In other words, a registrant may try to bring itself within any of the specified criteria, but it may also rely on any other fact or argument it wishes to rely on to show that it has a legitimate interest. If it does do this, the role of the Panel is to decide if the registrant has made out its case and to make that decision on the balance of probabilities. The Registrant, however, has waived that right by not filing a Response.

The first task of the Panel is therefore to see if the Complainant has provided "some evidence" that the Registrant has not brought itself within any of the specific criteria in paragraph 3.4. Applying that test, the Panel finds that the Complainant has provided some evidence that the Registrant has no legitimate interest in the disputed domain name. In particular, the Complainant has shown by the evidence that, as the Complainant submitted and as the Panel agrees,:

The Registrant cannot have used the domain name in good faith under section 3.4(a).

The Registrant cannot have used the domain name in good faith under section 3.4(b).

The Registrant cannot have used the domain name in good faith under section 3.4(c).

The Registrant cannot have used the domain name in good faith under section 3.4(d).

Moreover, in each of the criteria mentioned above, the facts as they are known simply cannot be accommodated in any of those provisions. The Registrant also cannot have used the domain name

under section 3.4(e) as it is not the legal name of the Registrant. The Registrant also cannot have used the domain name under section 3.4(f) as it is not the geographical location of the Registrant as defined.

The Complainant has shown very persuasively that on the available evidence and inferences that can be drawn from it, that the Registrant has no legitimate interest in the disputed domain name. It will be recalled that on this issue the Complainant submitted that the Registrant has no legitimate interest in the disputed domain name as it:

- (a) registered and has used the disputed domain name in bad faith;
- (b) the acts constituting the registration and use of the domain name on the Registrant's website show that it has registered and used the domain name in bad faith;
- (c) the Registrant has engaged in typosquatting on the UBC marks and its subdomain and has engaged in attempting to confuse internet users who are attempting to navigate to the Complainant's official website; and:
- (d) there are no facts to show that the Registrant has or could have a legitimate interest in the disputed domain name.

The Panel finds that the Complainant has, on the evidence, made out each of those grounds. The Panel has also examined each of the circumstances set out in the various sub-paragraphs of paragraph 3.4. These facts have two effects. First, they show that the Complainant has shown persuasive evidence that the Registrant has no legitimate interest in the domain name, so that the Complainant has met its obligations under this section of the Policy.

Accordingly, the Complainant has provided evidence that the Registrant cannot bring itself within any of the specified criteria in paragraph 3.4 that would show a legitimate interest in the domain name and the Panel so finds. They also show that the Registrant has in fact no such legitimate interest, for such conduct of the Registrant as has been shown by the evidence could never give rise to a legitimate interest in a domain name. It is deceptive and unprincipled in every respect and cannot possibly justify the registration or use of the domain name. Finally, and underlying all of these considerations is the fact that the Registrant had an unlimited opportunity of presenting its case, but has forfeited that opportunity by not filing a Response and has not tried in any way to show it has a legitimate interest in the domain name.

The Complainant has thus established that the Registrant does not have a legitimate interest in the disputed domain name within Section 3.4 of the Policy. The Complainant has therefore also made out its case on this issue.

CONCLUSION AND DECISION

The Panel finds that the constituent elements of the Policy have all been made out and that the Complainant is entitled to the relief it seeks. The Panel will therefore order that the disputed domain name be transferred to the Complainant.

ORDER

The Panel directs that the registration of the domain name <blockchainubc.ca> be transferred from the Registrant to the Complainant The University of British Columbia.

Date: 6 February 2023



The Honorable Neil Anthony Brown KC.