



**CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE**

**DOMAIN NAME DISPUTE  
ADMINISTRATIVE PANEL  
DECISION**

CIIDRC case number :	<b>20207-UDRP</b>	Decision date : <b>13<sup>th</sup> March, 2023</b>
Domain Name :	<b>&lt;glassmanager.com&gt;</b>	
Panel :	<b>Dhandapani Saravanan</b>	
Complainant :	<b>Tech To U Inc. 5160 Skyline Way NE Calgary, AB, T2E6V1, CA</b>	
Respondent :	<b>Web.com Holding Account (Address unknown)</b>	

**1. PROCEDURAL HISTORY**

**January 24, 2023** - Mr. William Ross filed a complaint on behalf of Tech To U Inc. via CIIDRC Online platform pursuant to the UDRP Policy and Rules.

**January 25, 2023** - The Registrar of the disputed domain name was notified of the UDRP Proceedings.

**February 2, 2023** - The Registrar transmitted by email to CIIDRC its verification response informing the identity of the Respondent, in this administrative proceeding. The Registrar also confirmed that the <glassmanager.com> domain was placed on a Registrar LOCK.

**February 3, 2023** - The Registrant confirmed receipt of the Complaint.

**February 3, 2023** - Pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Commencement to the Respondent.

**February 23, 2023** - The deadline for the Respondent's response, however the Respondent failed to file its response by the due date.

**March 2, 2023** - The CIIDRC sent an email to Mr.Dhandapani Saravanan enquiring from him whether he could act as Single Member Panel and if so, whether he could act independently and impartially in the matter in question.

**March 7, 2023** - Mr.Dhandapani Saravanan signed and sent a Statement of Acceptance and Declaration of Impartiality and Independence to CIIDRC declaring in writing that he was willing to act and if appointed would act independently and impartially.

The Domain Name was registered on : 21<sup>st</sup> September 2017

This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the "Policy") and the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") of the Internet Corporation for Assigned Names and Numbers (ICANN). This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) of the Internet Corporation for Assigned Names and Numbers (ICANN).



## **2. FACTS ALLEGED BY THE PARTIES**

### **A. COMPLAINANT:**

GlassManager is a software as a service product of Tech To U Inc., which has built and released the product in 2016 and has a number of North American Clients. Tech To U Inc., has been in business for over 6 years and held a trademark for GlassManager for over 10 months. Tech To U Inc., Secretary of state registration has been valid since 24 May 2022 and the trademark for GlassManager was filed on 01.01.2021 being first used in commerce on 31.12.2016 (Annexure -1). The GlassManager is a standard character mark which is used for downloadable software in the nature of a mobile application for business management in the commercial and residential glass industry; Downloadable computer software for business management in the commercial and residential glass industry; Downloadable enterprise software for business management in the commercial and residential glass industry; Downloadable project management software in the field of commercial and residential glass. GlassManager is the registered trademark name for the complainant's software project which additionally is available as a web service. The domain glassmanager.com used the likeness of Tech To U Inc. for Cyber-Squatting. After coming to know about the similar domain name used by another person the Tech To U Inc., made a search in the whois.web.com to find the holder of the domain name glassmanager.com and found that the domain name glassmanager.com was registered by Turbonames LLC (Annexure-2). The domain GLASSMANAGER.com is substantially similar to the complainant's trademark, when the ".com" element is disregarded as per WIPO overview 3.0, Section 1.11. The complainant expects that customers can rely on the distinct nature of the trademark as a way of searching for, or connecting to, their software product on the internet. The Tech To U Inc., has submitted the

screenshots of its website interface from the mobile application (Annexure- 3 & 4). Currently Turbonames LLC is only using their website to direct sales traffic to Network Solutions domain resale practice as demonstrated in the snapshot (Annexure-5). The Tech To U Inc., has made a communication with the current owner via. AfterNIC (a domain broker) for the purchase of the domain name in dispute and the account executive of Afternic.com has replied to the communication stating that they are brokering the site glassmanager.com on behalf of a private seller who has listed it for sale with them and the seller requires \$50,000 USD in order to obtain their asking price (Annexure-6). The domain is identical to the Complainant's domain except for the ".com" extension and the risk of confusion is readily apparent.

#### **B. RESPONDENT :**

The Respondent is Turbonames LLC whose address is unknown.

### **3. CONTENTIONS OF THE PARTIES**

#### **A. COMPLAINANT**

##### **i. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights :**

The domain is identical to Complainant's domain except for the ".com" extension and the risk of confusion is readily apparent.

##### **ii. The Registrant has no rights or legitimate interests in the Domain Name :**

Respondent has never been authorized by complainant to use the GLASSMANAGER mark in any way and therefore, the Respondent has no rights or legitimate interest in respect of the disputed domain name. The domain was



only used for direct sales traffic to Network Solutions domain resale practice and they were demanding \$50,000 USD for transferring the domain name.

**iii. The Domain Name was registered and being used in bad faith :**

The primary function of the registration is strictly marketing the owner's resale service. The Respondent's use of the domain pointing to a web page with related key words indicates an intentional attempt to attract people to the site. Respondent's only reason for registering the disputed domain name was to improperly profit from the sale of the disputed domain name or using it with parking services. The domain name was only used for a Cyber-Squatting (Annexure- 5 & 6). It is clear that the only intent of this domain purchase was malicious.

**B. RESPONDENT**

The Respondent has not come forward to file his response

**C. REMEDY SOUGHT**

The Complainant requests the Administrative panel to transfer the Domain Name <glassmanager.com> 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:

- ❖ That the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights:
- ❖ That the Registrant has no rights or legitimate interests in the Domain Name; and
- ❖ That the Domain Name has been registered and being used in bad faith.

The Panel will 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**

**a.** Paragraph 4(a)(i) of the Policy requires the Complainant to prove that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights. The Complainant has proved by documentary evidences under Annexure 1 that they are the registered owner of trademark i.e., GlassManager. As noted, the disputed domain name i.e., "glassmanager.com" composes of "GlassManager" and is identical to the registered trademark of the Complainant. ".com" is a generic code top – level domain name (gTLD) suffix. It is non-distinctive and is incapable of differentiating the disputed domain name from the Complainant's registered trademark. Based on the "GlassManager" being a registered trademark of the Complainant, the Panel finds that the disputed domain name is identical or confusingly similar to the Complainant's registered trademark.

**b.** Accordingly, the Panel is satisfied that the Complainant has complied with Paragraph 4(a)(i).



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

a. Based on the documentary evidence being the certificate of registration of Trademark under Annexure 3 it is proved that the domain name was registered for and by the Complainant. There is no evidence or defence at all rebutting the same. Hence, this Panel is of the considered view that the Respondent cannot have any ownership over the disputed domain name. Based on the records, the Respondent does not have rights or legitimate interests in the disputed domain name as the Respondent's current use is neither an example of a bonafide offerings of goods and services nor is there a legitimate non-commercial or fair use of the disputed domain name and as such there is no evidence that paragraph 4(a)(ii) of the Policy would apply.

b. Accordingly, the Panel is satisfied that the Complainant has complied the Policy.

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

a. Paragraph 4(b) of the Policy provides that :

*"For the purposes of Paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:*

- (i)** circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling,

renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of a such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competition; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Interest users to you 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 you web site or location".

b. The Complainant has specifically asserted and proved that the registration of domain name was only to improperly profit from the sale of the disputed domain name (Annexures- 5 & 6). There is no denial or evidence controverting the same by the Respondent.

c. On the information before the Panel, the Panel finds that the Respondent registered and used the Disputed Domain Name in bad faith.



d. Accordingly, the Panel is satisfied that the Complainant has complied with Paragraph 4(b)(i).

## 5. DECISION and ORDER

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 <glassmanager.com> be transferred to Complainant.

  
**DHANDAPANI SARAVANAN**  
Single Member Panel  
13<sup>th</sup> March, 2023