



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

CIIDRC Case No.:	24920-CDRP	Decision date: <b>May 26, 2025</b>
Disputed Domain Name:	<clearlightsaunas.ca>	
Registrar:	Go Get Canada Domain Registrar Ltd.	
Panel:	<b>María Alejandra López G. (Chair)</b> <b>Karen Bernstein</b> <b>Leslie Maerov</b>	
Complainant:	Sauna Works, Inc.	
Registrant:	Gagnon Jacob	

**1. THE PARTIES:**

The Complainant is a United States company, named Sauna Works, Inc. The Registrant is Gagnon Jacob an individual apparently located in British Columbia, Canada.

**2. THE DISPUTED DOMAIN NAME:**

The disputed domain name is <clearlightsaunas.ca> (“Disputed Domain Name”) registered on October 5, 2022, and resolves to an active website.

**3. PROCEDURAL HISTORY**

This matter is conducted according to the Canadian Dispute Resolution Policy (the “**CDRP**”) and the Canadian Dispute Resolution Rules (the “**Resolution Rules**”) of the Canadian Internet Registry Authority.

The procedural history of this case was set out in a letter from the CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE (the “CIIDRC”) to the Panel, as follows:

-On March 22, 2025, the Complainant filed a Complaint with the CIIDRC according to the Canadian Internet Registration Authority (“CIRA”) Domain Name Dispute Resolution Policy (the “CDRP”) and the CIRA Domain Name Dispute Resolution Rules (the “Resolution Rules”).

-On March 27, 2025, CIRA was notified of this proceeding. On March 27, 2025, CIRA transmitted by email to CIIDRC its verification response disclosing the registrant and contact information for the Disputed Domain Name which differed from the named Registrant (REDACTED FOR PRIVACY) and contact information in the Complaint. CIRA also confirmed that the Disputed Domain Name was placed on a Registrar LOCK.

-On March 27, 2025, in accordance with Resolution Rule 3.2., CIIDRC confirmed compliance of the Complaint.

-According to Resolution Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding and forwarded a Notice of Commencement of the Administrative Proceeding with the Complaint to the disclosed Registrant via email on March 31, 2025 to ‘gagnixyz@protonmail.com’ and ‘postmaster@clearlightsaunas.ca’. The Registrant failed to file its response by the due date of April 21, 2025. Accordingly, CIIDRC on April 22, 2025, notified the Registrant of the default.

-The Complainant selected a Panel of three members. According to paragraph 6 of the Resolution Rules, on May 7, 2025, after clearing for any potential conflicts, CIIDRC appointed the three-member Panel comprised of María Alejandra López García as Chair of the Panel, Karen Bernstein and Leslie Maerov as panelists.

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

##### **Complainant:**

The following summarizes the Complainant's contentions. Based on the provided evidence, the Complainant contends that it holds the following trademarks:

- Canadian trademark for CLEARLIGHT (word mark), Reg. No. TMA1096554 registered on March 22, 2021, and in force until March 3, 2031, for: “Sauna baths; sauna bath installations; heaters associated with saunas,” in International Class (“ICs”) 11 for: “Retail store and online retail store services for saunas and associated accessories, namely, heaters such as infrared heaters used with saunas” in ICs 35.

- International trademark for CLEARLIGHT INFRARED SAUNAS AND WELLNESS SOLUTIONS (and design), IR Reg. No. 1711464, in ICs 11 and 35; registered on January 4, 2023, and in force until January 4, 2033; with a Priority Filing date of July 7, 2022, Reg. No. 7381850.

-United States trademark CLEARLIGHT INFRARED SAUNAS AND WELLNESS SOLUTIONS (and design), Reg. No. 7381850, in ICs 11, registered on May 7, 2024, and in force until November 7, 2030. Disclaimer over: "INFRARED SAUNAS AND WELLNESS SOLUTIONS".

The Complainant also contends that it holds trademark rights over the following trademarks Canadian Trademarks (1864749, 2057761, 2229702, 2238722, and 2267769); that the number 2238722 with a priority filing date of July 7, 2022, is for a "mark consists of the word Clearlight which appears above the wording Infrared Saunas and Wellness Solutions." No documentation evidencing these trademarks was provided.

Furthermore, the Complainant contends that for more than 20 years, Sauna Works has manufactured and sold premium infrared saunas and remains an innovator in the marketplace with numerous patents and a global client base; since at least March 23, 2013, (<https://web.archive.org/web/20130328022244/clearlightsaunas.ca>) Sauna Works has maintained an internet presence in Canada through its dealer network and via the Disputed Domain Name <clearlightsaunas.ca>, and has an identical domain (minus the suffix) at clearlightsaunas.com, as well as with several other country-specific TLDs.

The Complainant also contends that recently, the former dealer failed to renew the registration and as a result, the Disputed Domain Name became available for general purchase; that a subsequent registrant completed the registration process and using images from Sauna Works' former valid site, now hosts a page fraudulently holding themselves out as a Clearlight reseller; that since that time, all potential Canadian buyers who are looking to purchase Clearlight saunas have been misled.

The Complainant contends that according with Resolution Rule 3.2(f) and Paragraph 1.4 of the Policy, Complainant satisfies CIRA's Canadian Presence Requirements for Registrants.

The Complainant contends that "confusingly similar trademarks are so alike in appearance, sound, or meaning that consumers are likely to be confused or misled into believing that the products or services bearing those marks are related or associated with the same source and that the domain in dispute "clearlightsaunas.ca" is an EXACT duplicate of the registered mark".

The Complainant contends that the Registrant has no legitimate interest in the Disputed Domain Name given that: "Sauna Works specifically licenses dealers/resellers and does not grant all retailers the ability to resell their products. Sauna Works has not given this individual a license to sell Clearlight products or use the Clearlight Saunas mark in any way, shape, or form".

The Complainant contends that the Disputed Domain Name has been registered in bad faith, given that: "The Registrant should be considered as having registered the domain name in bad faith as they meet at least two of the four tests for fraud as set out by Paragraph 3.5 of the Policy:

“3. the Registrant registered the domain name... primarily for the purpose of disrupting the business of the Complainant.

4. 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... of a product or service.”

“As previously stated, clearlightsaunas.ca currently hosts the previously-valid webpages associated with Complainant. However, all contact and sales pages have either been disabled or are redirecting to an unknown location. This is clear indication that they’re both registering the domain to disrupt Complainant’s business and intentionally attempting to attract, for commercial gain, Internet users to the Registrant’s website by creating a likelihood of confusion with the Complainant’s Mark.”

The Complainant requests the transfer of the Disputed Domain Name.

**Registrant:**

No administrative Response and/or any kind of communication has been provided by the Registrant in this case.

**5. DISCUSSION AND FINDINGS**

**•Eligibility**

By obtaining registration of a domain name in the .ca country code top level domain name registry operated by CIRA, the Registrant agreed to the resolution of disputes pursuant to the CDRP.

Paragraph 1.4 of the CDRP requires that in order to initiate the Complaint, the Complainant at the time of the initiation of the Complaint must satisfy the Canadian Presence Requirements for Registrants (“Canadian Presence Requirements”), which may be satisfied by a Complainant owning a registered mark in the Canadian Intellectual Property Office.

Here, Complainant is eligible to bring the instant dispute as it has satisfied the Canadian Presence Requirements by virtue of its ownership of, *inter alia*, Canadian trademark registration (Reg. No. TMA1096554) registered on March 22, 2021, for CLEARLIGHT.

Accordingly, the Complainant is an eligible complainant under paragraph 1.4 of the CDRP.

When the Registrant does not respond to the Complaint, the Panel is required to decide the proceeding for the resolution of the dispute on the basis of the Complaint.

## •Requirements

In accordance with Paragraph 4.1 of the CDRP, to succeed in the Proceeding, the Complainant must prove, on a 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; and the Complainant must provide some evidence that:
- c. the Registrant has no legitimate interest in the domain name as described in paragraph 3.4.

## 6. Preliminary Issue – Default

A registrant default is not necessarily an admission that the complainant's claims are true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"). In certain cases involving wholly unsupported and conclusory allegations advanced by a complainant, panels may find that – despite a registrant's default – a complainant has failed to prove its case. In this case, the Panel finds that Complainant has failed to prove that Registrant registered the Disputed Domain Name in bad faith.

### **The Disputed Domain Name is Confusingly Similar to a Mark in which the Complainant has Rights**

The earliest date by which Complainant Sauna Works, Inc. may claim trademark rights is Canadian trademark registration for CLEARLIGHT, which was registered on March 22, 2021, prior to the date of October 5, 2022 on which the Disputed Domain Name was created.

The test for determining whether a domain name is "Confusingly Similar" to a trademark is set forth in paragraph 3.3 of the CDRP, which requires that the Panel "only consider whether the domain name so nearly resembles the Mark in appearance, sound or ideas suggested by the Mark as to be likely to be mistaken for the Mark." The Panel accepts that the Disputed Domain Name includes the entirety of Complainant's mark. See *Club Car, LLC v. Siona/ Simolo Customs*, CIIDRC Case No.18846-CDRP ("as the Domain Name is identical to the word elements of the trademark, the Domain Name is confusingly similar to a trademark in which the Complainant has rights and is likely to be mistaken for Complainant's trademark"); and *Saskatoon C Auto LP and SKTN C Auto GP Inc. v. Chris Williams / Diddy alias*, CIIDRC Case No. 24338-CDRP (where the Panel found that the Disputed Domain Name includes the entirety of Complainant's marks" ).

The Panel finds that the Disputed Domain Name is "confusingly similar" to the CLEARLIGHT mark, as required by paragraph 3.1(a) and paragraph 3.3 of the CDRP. The Disputed Domain Name incorporates the entirety of Complainant's CLEARLIGHT mark and merely adds the word, "Saunas" and the ".ca" TLD. The Panel accepts that adding a generic term to the Mark does not alleviate the likelihood of confusion, particularly when the business associated with the Mark is selling saunas.

The Complainant has satisfied paragraph 4.1(a) of the CDRP requirement.

### **The Registrant Has a Legitimate Interest in the Disputed Domain Name**

It is unnecessary to consider this element in view of the Panel's finding under the fourth element below.

### **The Registrant Registered the Disputed Domain Name in Bad Faith**

Pursuant to Paragraph 4.1(b) of the CDRP, a complainant must demonstrate, on a balance of probabilities, that the registrant registered the Disputed Domain Name in bad faith.

In addition, Paragraph 3.5 of the CDRP sets forth four non-exclusive circumstances demonstrating bad faith registration:

- 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;
- b. the Registrant registered the domain name or acquired the Registration in order to prevent the Complainant, or the Complainant's licensor or licensee of the Mark, from registering the Mark as a domain name, provided that the Registrant, alone or in concert with one or more additional persons has engaged in a pattern of registering domain names in order to prevent persons who have Rights in Marks from registering the Marks as domain names;
- 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; or
- 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.

In the present case, the Complainant has made contentions of bad faith registration that are not sufficiently or adequately supported by evidence.

Complainant fails to evidence the business relationship between Complainant and the "former dealer" by way of a license or other written agreement between the parties, or any particulars of that relationship at all, that granted the "former dealer" permission to either register and/or use the Disputed Domain Name.

CIRA's records show that the Disputed Domain Name was registered on October 5, 2022. From the evidence provided by the Complainant, the Panel is unable to determine the identity of the initial registrant of the Disputed Domain Name on October 5, 2022. At a minimum, Complainant could have presented evidence that reflected the date of the original registration of the Disputed Domain Name and the identity of the registrant at that time to determine whether or not Complainant was the original registrant of the Disputed Domain Name and then transferred the Disputed Domain Name to the "former dealer" or any other details. Complainant also fails to evidence the expiration date of the Disputed Domain Name before the "subsequent registrant" registered the Disputed Domain Name.

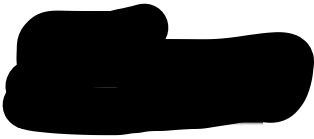
Accordingly, the Complainant has not satisfied paragraph 4.1(b) of the CDRP requirement.

**7. DECISION and ORDER**

Based on the poorly supported and conclusory allegations of the Complainant, the Panel unanimously concludes that the Complainant has not prevailed on all three elements of the Policy and, therefore, dismisses the Complaint without prejudice to Complainant refiling its Complaint with supporting evidence.

Made as of May 26, 2025.

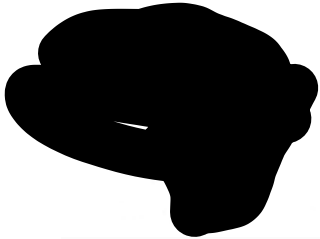
**Signatures of Panel:**



**Karen Bernstein (Panelist)**



**Leslie Maerov (Panelist)**



**María Alejandra López G. (Chair)**

