



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

CIIDRC case number:	24817-UDRP	Decision date: May 16, 2025
Domain Name:	james-signs.com; jamessigns.com	
Panel:	Melvyn Simburg, FCI Arb.	
Complainant:	795414 Ontario Inc. T/A James Signs	
Respondent:	Creative Solutions Canada	

1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel:

- 1.1 On March 20, 2025, Sergio Rodriguez on behalf of the Complainant filed a Complaint pursuant to the UDRP and the UDRP Rules via online platform. The required fee was paid on the same day.
- 1.2 CIIDRC checked the Complaint and determined that it satisfied the formal requirements of the UDRP Policy and Rules, and the CIIDRC Supplemental Rules.
- 1.3 On March 20, 2025, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name.
- 1.4 On the same day, the Registrar responded advising of the identity of the Respondent, who is the Respondent in this administrative proceeding, and Respondent's listed contact details. In addition, the Registrar confirmed that the disputed domain name had been placed in a Registrar LOCK.

- 1.5 On March 26, 2025, CIIDRC, as Service Provider, confirmed compliance of the Complaint and commencement of the dispute resolution process.
- 1.6 On March 26, 2025, pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Complaint to the Respondent.
- 1.7 The deadline for a response was set as April 15, 2025.
- 1.8 No formal response was received by the deadline, nor has any been filed since.
- 1.9 The Complainant has elected for a Panel consisting of a single member.
- 1.10 On April 23, 2025, in accordance with Rule 5(d), CIIDRC appointed Melvyn J. Simburg, as a single-member Panel.
- 1.11 On May 15, 2025, Melvyn J. Simburg accepted the appointment and filed a signed Statement of Acceptance and Declaration of Impartiality.

The domain name "james-signs.com" was registered on March 16, 1998 and the domain name "jamesigns.com" was registered on November 14, 2008. The two domain names are referenced herein collectively as "the Domain Name."

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

Complainant alleges:

- 2.1 "James Signs" is the name or trade name of a company established in 1951 and purchased by Complainant in 2017.
- 2.2 From 2015 Complainant entrusted James Robinson through the Respondent company to take care of Complainant's domains, including both the Domain Name and ones for Complainant's other companies.
- 2.3 Mr. Robinson has disappeared and Complainant has no access to the domains or the necessary credentials to control the domains, including the Domain Name.

3. CONTENTIONS OF THE PARTIES

Domain Names: james-signs.com; jamesigns.com
24817-UDRP

- **Complainant**

The Complainant submits that:

- 3.1 Complainant has paid for the Domain Name renewals and for the services of Respondent as agent for Complainant.
- 3.2 Respondent acted as agent for Complainant, with the responsibility of managing websites and domains. Respondent was not authorized to register domains in Respondent's name, nor to transfer ownership into Respondent's name.
- 3.3 Respondent did not deliver to Complainant control or credentials for the Domain Name before Respondent disappeared.
- 3.4 Respondent is no longer authorized to act on behalf of Complainant and by failing to deliver the Domain Name (and other domains) to Complainant, Respondent has wrongfully blocked Complainant from access.
- 3.5 Respondent has no rights or legitimate interests in respect of the Domain Name.

- **Respondent**

The Respondent has not filed a response.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to it.

4. DISCUSSION AND FINDINGS

4.1 Requirements

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

1. the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the Domain Name;
and
3. the Domain Name has been registered and is being used in bad faith.

The Panel will consider each of these requirements in turn.

4.2 Analysis

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

The Rules require the Complainant to include in the Complaint certain information necessary for action to be taken under the Policy:

viii. Specify the trademark(s) or service mark(s) on which the complaint is based and, for each mark, describe the goods or services, if any, with which the mark is used (Complainant may also separately describe other goods and services with which it intends, at the time the complaint is submitted, to use the mark in the future.);

ix. Describe, in accordance with the Policy, the grounds on which the complaint is made including, in particular,

1. the manner in which the domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

UDRP Rules 3.b

Complainant has failed to provide the required trademark information and in addressing Rule 3(b)(ix)(1) Complainant has stated "N/A," which presumably means "not applicable."

4.2.2 Rights or Legitimate Interests in respect of the Domain Name

Complainant has established that the Respondent acting as agent has no rights or legitimate interests in respect of the Domain Name.

4.2.3 Registration and Use of the Domain Name in Bad Faith

UDRP Rule 3.b also requires the Complainant to set forth

ix.3 why the domain name(s) should be considered as having been registered and being used in bad faith (The description should, for elements (2) and (3), discuss any aspects of Paragraphs 4(b) and 4(c) of the Policy that are applicable....)

Complainant has failed to provide the required bad faith information and in addressing Rule 3(b)(ix)(3) Complainant has stated "N/A," which presumably means "not applicable."

4.2.4 Conclusion

Complainant apparently believed that subsections 1, 2, and 3 of Rule 3.b.ix were alternatives rather than necessary components of a claim under the Policy and Rules. Complainant has set forth a claim for ownership of the Domain Name that might successfully be presented in a different forum, but it is not the type of claim that falls under the jurisdiction and requirements of the Policy and Rules. It does not qualify under sections ix(1) and (3) of Rule 3(b). The applicable Policy requires proof of a valid trademark and of bad faith registration and use. Based on the record presented, the Panel finds that Complainant has not sustained its burden of proof on these elements of the Policy.

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, and the Panel having found that Complainant failed to establish two of the three elements required to be proven under the Policy, the Panel concludes that the relief requested must be, and it is hereby, **DENIED**

Made as of May 16, 2025

SIGNATURE OF PANEL

