



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE ADMINISTRATIVE PANEL DECISION

CIIDRC case number:	24912-CDRP	Decision date: May 20th, 2025
Domain Name:	wonderfold.ca	
Panel:	Claude Freeman	
Complainant:	WonderFold Corporation	
Registrant:	Scott Fawcett	

OVERVIEW

This matter concerns a registered domain, “wonderfold.ca” (the “Domain Name”).

This matter is a proceeding under the Canadian Dispute Resolution Policy (“CDRP”) and the Canadian Dispute Resolution Rules (“Rules”) of the Canadian Internet Registry Authority (“CIRA”). 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”).

1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from CIIDRC to the Panel dated May 2, 2025, of which the particulars are as follows:

1. On March 26, 2025, Robert Graham filed a Complaint on behalf of WonderFold Corporation, pursuant to the CDRP and the Resolution Rules. The required commencement fee was paid on March 26, 2025. The complaint was in administrative compliance with CIRA’s requirements under Rule 3.2.
2. On March 26, 2025, CIRA was notified of this proceeding and on the same day, CIRA transmitted by email to CIIDRC its verification response informing that the registrant of the Disputed Domain Name is Scott Fawcett (the “Registrant”). CIRA also confirmed that the disputed domain name was placed on a Registrar LOCK.

3. Pursuant to Resolution Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding and forwarded a Notice of Complaint along with the Complaint to the Registrant on March 27, 2025.
4. The Registrant failed to file any response to date.
5. The Complainant in this administrative proceeding has elected for a Panel consisting of a single member. CIIDRC appointed Claude Freeman as a single member panel.

The Domain Name was registered on March 29, 2022.

The Complaint is submitted in English, and the correspondence is in English, which therefore includes this proceeding.

2. FACTS

Complainant

The present dispute is a straightforward case. Since at least 2017, the Complainant, WonderFold Corporation has sold, and offered for sale, small wagons for children and related accessories to consumers in Canada, in association with the trademark WONDERFOLD.

Moreover, the trademark WONDERFOLD is inherently distinctive. Therefore, the Complainant acquired protectable (common law) rights in the trademark WONDERFOLD in Canada prior to the registration date (March 29, 2022) of the Domain Name.

As well, Mr. Kevin Xia, the Chief Executive Officer of the Complainant is the owner of two United States Trademarks registered in January 7, 2020, and February 4, 2020, for the trademark WONDERFOLD for use in association *inter alia* small wagons for children (“WONDERFOLD brand stroller wagons”) and related accessories.

Further, Mr. Xia is the registrant of domain names WONDERFOLDOUTDOOR.COM and WONDERFOLDWAGON.COM since 2017 and 2020 respectively, both prior to the registration of the Domain Name.

The Complainant reports that between 2020 and the Registration Date, the total annual volume of sessions established at their websites at: WONDERFOLDOUTDOOR.COM, WONDERFOLDWAGON.COM, and WONDERFOLD.COM by consumers in Canada has been at least 9,000 in 2019 and 110,000 in 2021.

The Complainant also advertises and sells its *WONDERFOLD-brand stroller-wagons* and related accessories to consumers in Canada through a network of authorized online sellers that currently includes:

- o Kids On Wheelz (kidsonwheelz.ca/collections/wonderFold)
- o Little Canadian (littlecanadian.ca)
- o Ready Set Baby Planners & Boutique (readysbaby.ca)
- o Snuggle Bugz (snugglebugz.ca); and
- o West Coast Kids (westcoastkids.ca)

Since at least January 2021, at least one of the websites of the foregoing network of authorized online sellers has depicted the Complainant's *WONDERFOLD-brand stroller-wagons* in association with the trademark WONDERFOLD. Since at least that date as well, the trademark WONDERFOLD has also been affixed to the Complainant's *WONDERFOLD-brand stroller-wagons* that have been purchased, and have been available for purchase, by consumers in Canada via the websites of the foregoing network of authorized online sellers.

Between 2020 and the Registration Date, the annual volume of *WONDERFOLD-brand stroller-wagons* and related accessories sold in/to Canada, via the websites hosted at the domain names WONDERFOLDOUTDOOR.COM, WONDERFOLDWAGON.COM and WONDERFOLD.COM and via the Complainant's network of authorized online sellers, has been at least as follows:

- o year 2020: 400
- o year 2021: 1,000

Therefore, the Complainant associated the trademark WONDERFOLD with the Complainant's *WONDERFOLD-brand stroller-wagons* prior to the Registration Date and "used" that association in the Canadian marketplace prior to the Registration Date. See, e.g., *Trademarks Act, R.S.C. 1985, c. T-13, s. 4*:

- (1) A trademark is deemed to be used in association with goods if, at the time of the transfer of the property in or possession of the goods, in the normal course of trade, it is marked on the goods themselves or on the packages in which they are distributed or it is in any other manner so associated with the goods that notice of the association is then given to the person to whom the property or possession is transferred.
- (2) A trademark is deemed to be used in association with services if it is used or displayed in the performance or advertising of those services.

The trademark WONDERFOLD is also a coined word that does not have any clear meaning in relation to infant stroller-wagons that would prevent the trademark WONDERFOLD from acting as an indicator of source.

Registrant

The Registrant has not filed any response.

3. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant has submitted copies of trademark registrations as well as sworn affidavits in support of the submitted documentation and related information.

- **Registrant**

The Registrant has not appeared or responded, and the Panel notes that no communication has been received from the Respondent. However, given that the Complaint and Written Notice were sent to the relevant address disclosed by the Registrar, the Panel considers that this satisfies the requirement

in paragraph 2(a) of the Rules to "employ reasonably available means calculated to achieve actual notice".

- **Remedy Sought**

The Complainant requests that the Panel issue a decision that the Domain Name be transferred to the Complainant.

4. DISCUSSION AND FINDINGS

4.1 Eligibility

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

4.2 Requirements

In accordance with Paragraph 4.1 of the CDRP, the onus is on the Complainant to prove that:

- (a) the Domain Name is Confusingly Similar to a trademark or service 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 registered the Domain Name in bad faith and the Complainant must provide some evidence that:
- (c) the Registrant has no legitimate interest in the Domain Name.

The Panel will consider each of these requirements in turn.

4.3 Analysis

4.3.1 Whether the Domain Name is Confusingly Similar to a Mark in which the Complainant has Rights

Earlier in this decision, in paragraph 2 (**FACTS**), the historical trademark registrations, registrations of related domain names and sales results information submitted by sworn affidavits by the Complainant has outlined/supported their pleading of Legitimate Rights, notwithstanding the fact that the corporate name (which predates the registration of the Domain Name) includes the Domain Name in dispute.

Paragraph 3.3 of the Policy provides that a domain name will be considered "confusingly similar" to a trademark if the domain name so nearly resembles the trademark in appearance, sound or the ideas suggested by the trademark as to likely be mistaken for the trademark.

In this case, if the domain name Wonderfold.ca is identical to the Complainant's trademark and corporate name, but for the addition of the ".ca" portion. In this regard, the Policy specifies in paragraph 1.2 that in assessing similarity, the ".ca" suffix of the domain name should be disregarded.

The Complainant's rights in the WONDERFOLD trademark existed prior to the registration date of the Disputed Domain.

As it appears from all of the information submitted, the Disputed Domain Name was created and registered several years after the Complainant began using and the trademark WONDERFOLD in Canada.

For these reasons, the Complainant has clearly shown 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 in which the Complainant continues to have rights.

4.3.2 Whether the Registrant registered the Domain Name in Bad Faith

Under Paragraph 3.5 of the Policy, the Registrant will be considered to have registered the Domain Name in bad faith if, and only if, the Complainant can demonstrate that the Registrant in effecting the registration of the Domain Name was motivated by any one of the four general intentions set out in Paragraph 3.5.

The Domain Name is not displayed during the advertising or performance of any service offered by the Registrant. The Domain Name is also not marked on any goods distributed by the Registrant. Instead, the Domain Name is merely used to redirect internet traffic from the Domain Name WONDERFOLD.CA to the website hosted at the domain name FAMILLEASY.CA (the "*FAMILLEASY website*"). Therefore, the Registrant does not use the Domain Name for the purpose of distinguishing any goods or services of the Registrant from those of others. *See, e.g., Trademarks Act, R.S.C. 1985, c. T-13, s. 4.*

Instead, through the *FAMILLEASY website*, the Registrant advertises and sells to consumers in Canada infant wagons that are substantially similar in appearance to *WONDERFOLD-brand stroller-wagons*. However, since the trademark WONDERFOLD is a coined word that has no clear connection to infant wagons, the Registrant could have registered a domain name other than WONDERFOLD.CA to promote its infant wagons. Moreover, as noted above, the Registrant registered the Domain Name after the date that the Complainant commenced selling its *WONDERFOLD-brand stroller-wagons* in Canada and after the date that the Complainant began using the domain name WONDERFOLD.COM to advertise and sell its *WONDERFOLD-brand stroller-wagons* in Canada. Therefore, the Registrant is a competitor of the Complainant and registered the trademark WONDERFOLD as a domain name primarily for the purpose of misappropriating the goodwill of the Complainant and disrupting the online business of the Complainant in Canada.

The redirection between the domain name WONDERFOLD.CA and the *FAMILLEASY website* occurs surreptitiously, without notifying the consumer of the redirection. Therefore, if the ordinary consumer entered the domain name WONDERFOLD.CA into the address/search bar of an internet browser, the ordinary consumer could be confused as to whether the infant wagons advertised and sold on the resulting (*FAMILLEASY website*) were (i) *WONDERFOLD-brand stroller-wagons*, or (ii) authorized by or otherwise affiliated with the Complainant. However, the Registrant is not a seller (authorized or otherwise) of *WONDERFOLD-brand stroller-wagons*, and the Complainant did not authorize the Registrant to register the trademark WONDERFOLD as a Domain Name. Therefore, the Registrant intentionally attempts to attract for commercial gain, internet users to the *FAMILLEASY website* by creating a likelihood of confusion with the trademark WONDERFOLD as to the source, sponsorship, affiliation, or endorsement of the *FAMILLEASY website* and the infant wagons sold and offered for sale on the *FAMILLEASY website*.

The panel therefore finds that the Complainant has met its burden under the Policy that the Registrant has registered the Domain Name in Bad Faith.

4.3.3 Whether there is Some Evidence that the Registrant has No Legitimate Interest in the Domain Name

Paragraph 4.1 of the Policy requires that to succeed in the Complaint, the Complainant must provide some evidence that the Registrant has no legitimate interest in the Domain Name as the concept of "legitimate interest" is provided for in Paragraph 3.4 of the Policy.

Paragraph 3.4 of the Policy provides that the Registrant has a legitimate interest in a domain name if:

- a) the domain name was a Mark; the Registrant used the Mark in good faith and the Registrant had Rights in the Mark;
- b) the Registrant used the domain name in Canada in good faith in association with any wares, services or business and the domain name was clearly descriptive in Canada in the English or French language of:
 - (i) the character or quality of the wares, services or business;
 - (ii) the conditions of, or the persons employed in, production of the wares, performance of the services or operation of the business; or
 - (iii) the place of origin of the wares, services or business;
- c) the Registrant used the domain name in Canada in good faith in association with any wares, services or business and the domain name was understood in Canada to be the generic name thereof in any language;
- d) the Registrant used the domain name in Canada in good faith in association with a non-commercial activity including, without limitation, criticism, review or news reporting;
- e) the domain name was the geographical name of the location of the Registrant's non-commercial activity or place of business.

In Paragraph 3.4(d) "use" by the Registrant includes, but is not limited to, use to identify a website. It is to be noted that with respect to the matter at hand, in Paragraphs 3.4(a), (b), (c), and (d), there is a requirement that the Registrants act "in good faith".

Accordingly, the Complainant has satisfied its burden under Paragraph 4.1 of the Policy, that the Registrant has no legitimate interest in the Domain Name.

5. DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the CDRP, Paragraph 12 of the Resolution Rules, the Panel orders that the Domain Name (wonderfold.ca) be transferred to the Complainant

Made as of May 20th, 2025

SIGNATURE OF PANEL



Claude Freeman

