



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

CIIDRC case number:	25030-UDRP	Decision date: June 10, 2025
Domain Name:	theshopifyteam.com	
Panel:	Steven M. Levy, Esq.	
Complainant:	Shopify Inc.	
Respondent:	Anish Agarwal / Benthon Labs Pvt Ltd	

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. On April 29, 2025, Daniel Anthony of Smart & Biggar LP, on behalf of the Complainant filed a Complaint pursuant to the UDRP and the UDRP Rules.
2. On May 1, 2025, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, and on the same day, the Registrant provided the Respondent's contact information. The Registrar also confirmed that the disputed domain name was placed on a Registrar LOCK.
3. The Complainant was informed of the Respondent's information as provided by the Registrar and subsequently declined to amend the Complaint.
4. On May 13, 2025, CIIDRC confirmed compliance of the Complaint and commencement of the dispute resolution process.

5. On May 13, 2025, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Complaint to the Respondent.
6. The deadline for submitting a Response was set for June 2, 2025.
7. The Respondent has failed to file its response.
8. The Complainant in this administrative proceeding has elected for a Panel consisting of a single-member.
9. In accordance with Rule 5 (d), CIIDRC appointed Steven M. Levy, Esq. as a single-member Panel in the above-referenced matter on June 6, 2025. On June 8, 2025, the Panel completes and returned to CIIDRC signed statement of acceptance and declaration of impartiality and independence.
10. Absent exceptional circumstances, and pursuant to Rule 15 (b), a decision is due by June 20, 2025. CIIDRC will communicate the full text of the decision to the parties and the concerned Registrar.

The Domain Name was registered on April 9, 2024.

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

Shopify operates the world's leading cloud-based e-commerce platform designed for small and medium-sized businesses. Its software is used by merchants to run business across all sales channels, including web, tablet and mobile storefronts, social media storefronts, and brick-and-mortar pop-up shops. Shopify's platform provides merchants with a single view of business and customers and enables them to manage products and inventory, process orders and payments, build customer relationships and leverage analytics and reporting. The company was founded on September 28, 2004, and is headquartered in Ottawa, Canada. The SHOPIFY trademark is often presented alone or accompanied by a graphic logo of a green shopping bag bearing the letter "S" and these are the subject of registrations in dozens of countries around the world including Canadian Registrations No. TMA787767 issued on January 18, 2011 and No. TMA700694 issued on November 13, 2007, and United States Registrations No. 38404212 issued on August 31, 2010 and No. 3208464 issued on February 13, 2007.

Shopify has a Partnership Program. The program is free to join and allows Partners to experiment with the Shopify platform through unlimited test stores. For every client they refer, theme they design, or app they build, the Partner receives ongoing monthly income from Shopify. There are some other benefits too, like early access to new features, marketing materials, and access to a collaborative community of other Shopify Partners around the world. While thousands of developers (and would be developers) join the program, if they

violate the Program terms, they are first warned, and then their participation is disabled. The Program is governed by the Shopify Partner Agreement, which is entered into by all Partners. The Agreement provides an explicit prohibition in section 5.3 against obtaining any domain name containing any Shopify Trademarks (including Shopify) or misspellings thereof. Furthermore, the Agreement provides a “plain English” explanation of this section which states: Partner will not buy ... domain names that use “Shopify”...

The Disputed Domain Name resolves to a webpage purporting to provide Shopify development services, such as Shopify store development, Shopify theme development, and Shopify integration services, among others. The Respondent claims to be a team of professional Shopify developers who can make customers “successful in e-commerce via the Shopify platform”. The site displays a list of “Our Partners” followed by a variety of Shopify graphic logos (e.g., Shopify Partner, Shopify Secure, Shopify Experts) however, respondent is not a registered Shopify partner or otherwise affiliated with Shopify and it has not been granted any permission to use the SHOPIFY trademark.

3. CONTENTIONS OF THE PARTIES

- **Complainant**

The disputed domain name is confusingly similar to the asserted trademark where it incorporates the entirety of the mark and adds only the non-distinctive words “the” and “team” as well as the “.com” top-level domain.

Respondent has no rights or legitimate interests in the disputed domain name where it is not commonly known by the domain name and it fraudulently passes itself off as a registered Shopify Partner while purporting to provide Shopify development services.

The disputed domain name was registered and is used in bad faith where Respondent had prior knowledge of Complainant’s mark and based on the above-mentioned website activity.

- **Respondent**

No Response has been submitted in these proceedings.

- **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.

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations and evidence pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable and supported allegations set forth in the Complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See *WIPO Jurisprudential Overview 3.0* at 1.4.3; see also *eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire*, FA 157287 (FORUM June 26, 2003) ("Because Complainant did not produce clear evidence to support its subjective allegations of bad faith under ICANN Policy ¶ 4(a)(iii), the Panel finds it appropriate to dismiss the Complaint").

4.2 Analysis

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

The first requirement of Paragraph 4(a)(i) is that a complainant demonstrate its ownership of trademark or service mark rights. Producing into evidence a registration certificate from a national trademark authority has been held sufficient to satisfy this threshold requirement. *Sunspace Modular Enclosures Inc v. KB Sunspaces*, 15868-UDRP (CIIDRC Oct. 1, 2021) ("It is well established that a trademark will be accepted for this purpose if it has been registered with a recognized national or international authority.") Complainant has submitted screenshots from the websites of the Canadian Intellectual Property Office (CIPO) and the United States Patent and Trademark Office (USPTO). These evidence its ownership of registrations for the trademark SHOPIFY, both in plain text and as part of a graphic logo that includes the image of a shopping bag with the letter "S" on its face (e.g., USPTO Reg. No. 3208463 dated February 13, 2007). Based on this evidence, the Panel is satisfied that Complainant has rights in its asserted trademark.

Next, consideration is given to whether a disputed domain name is identical or confusingly similar to a complainant's trademark. Registration of a domain name that contains a mark in its entirety and adds a generic term or phrase along with a gTLD typically does not distinguish the domain name from the mark per Policy ¶ 4(a)(i). See *Starbucks Corporation d/b/a Starbucks Coffee Company v. Waseem A Ali / Micron Web Services*,

FA 1785616 (FORUM June 8, 2018) (finding the <starbucksreal.com> domain name to be confusingly similar to the STARBUCKS mark, as “the addition of the generic term ‘real’ to Complainant’s mark does not distinguish the Domain Name from Complainant’s trade mark pursuant to the Policy.”) *See also MTD Products Inc v. Mike Kernea / Skyline*, FA 1775278 (FORUM Apr. 19, 2018) (“The mere addition of a gTLD is inconsequential and does not avoid a finding of identity.”) Here, Complainant asserts that the SHOPIFY mark is “an invented word” and that Respondent incorporates the mark in its entirety adding only the words “the” and “team” along with the “.com” gTLD. In light of the mark being clearly recognizable in the domain name and it being a rather distinctive and well-known mark within Complainant’s field of business, the Panel finds that these added elements do not reduce the confusing similarity of the domain name in appearance, sound, or meaning. Thus, Respondent’s domain name is confusingly similar to Complainant’s mark per Policy ¶ 4(a)(i).

4.2.2 Rights or Legitimate Interests in respect of the Domain Name

Complainant must first make a *prima facie* case that Respondent lacks rights and legitimate interests in the disputed domain name under Policy ¶ 4(a)(ii). Should it succeed in this effort, the burden then shifts to Respondent to show that it does have rights or legitimate interests. *See Advanced International Marketing Corporation v. AA-1 Corp*, FA 780200 (FORUM Nov. 2, 2011) (finding that a complainant must offer some evidence to make its *prima facie* case and satisfy Policy ¶ 4(a)(ii); *see also Neal & Massey Holdings Limited v. Gregory Ricks*, FA 1549327 (FORUM Apr. 12, 2014) (“Under Policy ¶ 4(a)(ii), Complainant must first make out a *prima facie* case showing that Respondent lacks rights and legitimate interests in respect of an at-issue domain name and then the burden, in effect, shifts to Respondent to come forward with evidence of its rights or legitimate interests”).

Complainant first argues that Respondent lacks rights or legitimate interest in the <theshopifyteam.com> domain name as Respondent is not commonly known by the disputed domain name nor has Respondent been given any license or consent to use the SHOPIFY mark or register domain names using Complainant’s mark. In considering this issue, WHOIS information may be used to determine whether a respondent is commonly known by the disputed domain name under Policy ¶ 4(c)(ii). *See Amazon Technologies, Inc. v. LY Ta*, FA 1789106 (FORUM June 21, 2018) (concluding that a respondent has no rights or legitimate interests in a disputed domain name where the complainant asserted it did not authorize the respondent to use the mark, and the relevant WHOIS information indicated the respondent is not commonly known by the domain name). Additionally, lack of authorization to use a complainant’s mark may indicate that the respondent is not commonly known by the disputed domain name. *See Emerson Electric Co. v. golden humble / golden globals*, FA 1787128 (FORUM June 11, 2018) (“lack of evidence in the record to indicate a respondent is authorized to use [the] complainant’s mark may support a finding that [the] respondent does not have rights or legitimate interests in the disputed domain name per Policy ¶ 4(c)(ii)”). The WHOIS information for the disputed domain name, as verified by the concerned Registrar, lists the registrant as “Anish Agarwal / Benthon Labs Pvt Ltd” and Respondent has not submitted any evidence that it is known otherwise. Further,

the Complainant asserts that “[a]t no point did Shopify give the Respondent permission to incorporate ‘Shopify’ as part of a domain name, use ‘Shopify’ as part of its business or trade name, or to otherwise impersonate or imply an affiliation with the Complainant” and there is no evidence to suggest that Respondent was authorized to use the mark. The Complainant further asserts that, even “if the Respondent is a registered partner, the registration of the domain name incorporating the Complainant’s trademark is expressly prohibited by the Partnership Agreement” and it submits into evidence a copy of the Partner Program Agreement which states, in relevant part, that “Partners will not use the Shopify Trademarks ... in Partner’s business name, logo, branding, advertising, social media or domain name ... unless granted express written permission by Shopify in advance of each use”. Respondent has not filed a Response or made any other submission in this case and so it does not contest this. Thus, the Panel finds no evidence upon which to conclude that Respondent is commonly known by the Domain Name per Policy ¶ 4(c)(ii).

Complainant further argues that Respondent fails to make a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. Instead, Respondent uses the disputed domain name to seek commercial gain by leading visiting consumers to incorrectly believe that the Complainant is legally affiliated with the Respondent. Impersonating and passing oneself off as being affiliated with a complainant has been held not to be a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of a disputed domain name without intent for commercial gain. See *Associated Newspapers Limited v. Anne Millburn*, FA 1937024 (FORUM Apr. 14, 2021) (“Respondent is not using the Domain Name in connection with a *bona fide* offering of goods or services or for a legitimate noncommercial or fair use because the Domain Name previously resolved to Respondent’s web site which impersonated and competed with Complainant”). Complainant asserts that Respondent’s website solicits consumers to seek out quotes for website development services in a manner that “create[s] the illusion of an official affiliation with the Complaint, which does not exist.” It submits screenshots of the website which displays a green bag logo followed by the words SHOPIFY TEAM. While not an exact copy of Complainant’s own green bag logo, it is certainly evocative thereof. Next, the site displays the marquis “Shopify Development Services” followed by the text “We, at TST (The Shopify Team”, are very much engrossed in it, and committed to making you successful in the e-commerce business.” Below this is a link titled “Talk to Shopify Expert”. Further, the website features green lettering and graphic elements which is the same color as that used in Complainant’s own website. Most notably, the page displays a section titled “Our Partners” next to which appear the SHOPIFY PARTNER and S Bag logo as well as Complainant’s “SHOPIFY SECURE”, “OFFICIAL SHOPIFY EXPERTS”, “SHOPIFY CERTIFIED PARTNER”, and “SHOPIFY PRODUCT FUNDAMENTALS CERTIFIED” graphic logos and Complainant has stated that Respondent is not one of its partners and is not, in fact, certified by it. Finally, though not addressed in the Complaint, the Panel notes that Respondent’s website contains no notice or mention of its lack of a relationship with Complainant and its footer displays the notice “Copyright © 2024 The Shopify Team” as well as the email address “info@theshopifyteam.com”. This makes it more challenging for the Panel to find Respondent to be a potentially legitimate distributorship under the familiar four-step test set out in *Oki Data Americas, Inc. v. ASD, Inc.*, D2001-0903 (WIPO Nov. 6, 2001). Respondent has filed no response or made any other

submission to rebut Complainant's *prima facie* case. While the Complainant states that "the Respondent is entitled to provide their Shopify website development services online" it asserts that Respondent is "not entitled to use the Complainant's trademarks in a confusing manner to attract traffic to their website to allow them to sell their services." The Panel agrees with this view and finds that, even if the Respondent is actually providing services that are directed at the Complainant's customers, and even if such services may themselves be legitimate, its use of the disputed domain name is not, based on the confusion caused by the domain name and the content of the resolving website. Finally, Respondent's use cannot constitute nominative fair use if it effectively impersonates or falsely suggests sponsorship or endorsement by Complainant. As such, the Panel concludes that Respondent's actions create a false image of affiliation with Complainant and do not meet the criteria of Policy ¶¶ 4(c)(i) or (iii) nor do they otherwise demonstrate that Respondent has gained any rights or legitimate interests in the disputed domain name.

4.2.3 Registration and Use of the Domain Name in Bad Faith

The Complaint asserts that Respondent had actual knowledge of Complainant's rights in the SHOPIFY mark at the time it registered the <theshopifyteam.com> domain name. The reputation of a mark and the use made of a disputed domain name can support a conclusion that a respondent had actual knowledge of a complainant's rights in the asserted mark prior to registering that domain name. This, in turn, can serve as a solid foundation upon which to build case for bad faith based on all of the circumstances of a given case. *See Yanai Tadashi Foundation v. GUTIERREZ JOSE*, UDRP12855 (CIIDRC July 29, 2020) ("the phishing email and yanaitadashi-foundation.org website screenshot submitted into evidence indicate that Respondent had actual knowledge of Complainant's mark...") To support this assertion, Complainant points to the fact that Respondent creates an improper association with Complainant by using its SHOPFY mark and copies of the green Bag logo on its website as it promotes website development services that directly relate to the services offered by Complainant. Complainant has submitted evidence that its mark is well-known, such as selected pages from its <shopify.com> website that provide information and background on the Complainant's activities, a profile from Forbes.com, and a page from the companiesmarketcap.com website listing the Complainant as the third largest Canadian company by market capitalization. The Panel also notes that Complainant's SHOPIFY mark and its graphic logo appear several times on Respondent's website and lists Complainant as one of "Our Partners". Thus, the Panel concludes that Respondent did, in fact, have actual knowledge of Complainant's right in its mark at the time it registered the disputed domain name.

Next, Complainant argues that Respondent registered and used the <theshopifyteam.com> domain name in bad faith based on the pursuit of commercial gain by creating a likelihood of confusion with the Complainant's mark under Policy ¶ 4(b)(iv). Use of a disputed domain name to confuse internet users that a website is associated with the complainant can be evidence of bad faith. *See Bittrex, Inc. v. Wuxi Yilian LLC*, FA 1760517 (FORUM Dec. 27, 2017) (finding bad faith per Policy ¶ 4(b)(iv) where "Respondent registered and uses the <bittrex.com> domain name in bad faith by directing Internet users to a website that mimics Complainant's own website in order to confuse users into believing that Respondent is Complainant or is otherwise affiliated or associated with Complainant.") Here, as noted above, Complainant provides

screenshots showing that Respondent's domain name resolves to a webpage that displays Complainant's mark and logo, as well as a near copy of the logo, and claims to offer services of developing SHOPIFY websites on Complainant's online platform. This site uses a color scheme and copyright notice that give the impression of originating from or being affiliated with the Complainant. It is also asserted that, even if Respondent had joined the Shopify Partnership Program, its registration of the disputed domain name violated the terms of that program which prohibit the use of the mark in domain names. Finally, the Complainant notes that use of the phrase "The Shopify Team" and Respondent's false claim of being a Shopify Partner or certified by Complainant "all create the impression that this is the webpage of an entity affiliated with the Complainant (which the Respondent isn't)" and the Panel finds this to be a reasonable indicator of confusion. The Respondent has not participated in this case and so does not seek to explain its actions or otherwise rebut Complainant's arguments or evidence. Therefore, based upon a preponderance of the available evidence, the Panel finds that Respondent registered and uses the disputed domain name in bad faith per Policy ¶ 4(b)(iv) by seeking to pass itself off as Complainant and seek commercial gain from the sale of website development services to visitors to its site.

4 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 that the <theshopifyteam.com> domain name be TRANSFERRED to Complainant.

Made as of June 10, 2025

SIGNATURE OF PANEL

