



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

CIIDRC case number:	24816-UDRP	Decision date: 5 May 2025
Disputed Domain Name:	parsicanada.com	
Panel:	Ivett Paulovics (Chair), Michael Erdle, Gerald M. Levine	
Complainant:	Ali Mokhtari	
Respondent:	Maakan Ariaparsa, Green Host	

1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre (CIIDRC) to the Panel and is as follows:

On March 2, 2025, the Complainant, represented by Amir Sadeghi, submitted a Complaint concerning the Disputed Domain Name <parsicanada.com> through CIIDRC's online platform. CIIDRC received the required commencement fee on March 3, 2025.

On March 3, 2025, CIIDRC transmitted a registrar verification request to CSL Computer Service Langenbach GmbH d/b/a joker.com regarding the Disputed Domain Name.

On March 9, 2025, the concerned Registrar confirmed that Maakan Ariaparsa is the Registrant of the Disputed Domain Name. The Registrar also confirmed that the Disputed Domain Name had been placed under Registrar Lock.

On March 10, 2025, the Complainant was informed of the Respondent's identity as provided by the Registrar; the Complainant subsequently declined to amend the Complaint.

On March 17, 2025, CIIDRC formally notified the Respondent of this administrative proceeding and transmitted the Written Notice of Complaint via email and registered mail.

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The Respondent's deadline to file a response was set for April 7, 2025.

On March 27, 2025, the counsel of the Respondent, Lawrence Chan, requested an extension of four additional calendar days to submit a Response. Pursuant to UDRP Rule 5(b), the extension was automatically granted.

The Response was submitted on April 11, 2025. The Respondent has selected a three-member panel and paid the required fee.

On April 22, 2025, the Complainant submitted unsolicited Supplemental Filings. CIIDRC advised the Complainant that it will be at the discretion of the Panel to determine whether to accept the Complainant's additional submissions.

The Complaint and Response were filed in English.

On April 24, 2025, CIIDRC appointed Ms. Ivett Paulovics as Presiding Panelist and Mr. Michael Erdle and Mr. Gerald Levine as Co-Panelists.

On April 28, 2025, the Complainant sent an email to CIIDRC with additional observations regarding the Response and its annexes.

The Disputed Domain Name was registered on October 18, 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).

2. FACTS ALLEGED BY THE PARTIES

- **Complainant**

The Complainant, Mr. Ali Mokhtari, is a licensed immigration consultant and the founder of an immigration consultancy operating under the name "Parscanada" (also referred to as "Pars Canada"), a trademark he claims to have used since 2006. He formally applied for trademark protection in 2010 and secured official registration of the PARSCANADA mark in 2012 in Canada (Application No. 1505645 of November 29, 2010, Reg. No. TMA825453 of June 5, 2012 in classes 16, 35, 36, 45, first use in commerce: January 1, 2006). The Complainant is a member of the College of Immigration and Citizenship Consultants (CCIC), the Canadian Association of Professional Immigration Consultants (CAPIC), and the Tehran Bar Association. He claims that his professional credentials and long-standing use of the PARSCANADA mark have established significant goodwill, particularly among Iranian and international clients seeking Canadian immigration services.

The Complainant states that he has operated the website <<https://parscanada.com/>> since 2008 as a central platform for client engagement. To support of his claimed reputation, he cites the publication of 22 academic

articles, delivery of seminars and video sessions, and the development of a substantial clientele, especially within the Iranian diaspora.

He alleges that the Disputed Domain Name was registered by the Respondent in 2017—more than a decade after he had begun using and promoting his PARSCANADA mark. He further alleges that the Disputed Domain Name is being used in direct competition with his business, offering similar immigration services. He argues that the only difference between the names is the insertion of the letter “i” to form “PARSICANADA”, and that in Farsi, “Pars” and “Parsi” are visually and phonetically similar, leading to client confusion.

The Complainant asserts that this confusion has resulted in client and revenue losses, reports of mistaken contractual engagements, and reputational damage stemming from poor service provided by the Respondent’s firm, which some clients believed to be his own. He also reports increased customer service burdens due to the need to distinguish between the two businesses.

Finally, he alleges that the Respondent has taken active steps to exploit this confusion, including the purchase of Google Ads targeting “PARSCANADA” and the creation of Instagram accounts incorporating both “PARSICANADA” and the surname “Mokhtari”. These actions, according to the Complainant, are intended to divert online traffic and unfairly benefit from the goodwill associated with his PARSCANADA mark.

- **Respondent**

The Respondent, Maakan Ariaparsa, states that he is a co-founder of Pars Pendar Nahad Co. (referred to as “Parspendar”), an Iranian company incorporated in 2009. According to the Respondent, Parspendar combines the terms “pars” and “pendar”, meaning Persian thoughts. He claims that the company began offering immigration and related consultancy services under the PARSCANADA mark in 2015.

The Respondent affirms that the Disputed Domain Name was registered in 2017 on behalf of Parspendar, and that it has been actively used since early 2018. He states that the company has made significant investments in developing and promoting the PARSCANADA mark, including billboard campaigns, office signage, participation in exhibitions, and endorsements by Iranian celebrities. He estimates that over USD \$2 million has been spent on marketing, and that the company employs over 500 people.

The Respondent contends that neither he nor Parspendar was aware of the Complainant or his alleged rights prior to 2021, when the Complainant appeared on a television program raising concerns about the Respondent’s use of his name. Prior to that appearance, the Respondent asserts there had been no interaction, conflict, or notice of potential infringement.

The Respondent further argues that the terms making up the Disputed Domain Name—“Pars”, “Parsi”, and “Canada”—are generic or descriptive in nature, particularly within the context of the Iranian diaspora. “Pars” and “Parsi” are commonly used cultural or geographic references to Iran or Persian heritage, while “Canada” simply refers to the country. The combination of these terms, according to the Respondent, does not create an

inherently distinctive name and has been used legitimately to denote immigration services to Canada from an Iranian perspective.

The Respondent also refers to ongoing legal proceedings brought against the Complainant's trademark registration in Canada, challenged on grounds of lack of distinctiveness and/or descriptiveness. The Respondent notes that the Complainant does not hold any registered rights in Iran and that separate legal proceedings were initiated in Iran in 2021 in relation to allegations made by the Complainant regarding Parsendar's and the Respondent's use of the PARSICANADA mark. The Respondent states that a court hearing in those proceedings was scheduled for May 3, 2025. Additionally, the Respondent states that further legal action has been taken in Iran against two individuals (Mr. and Ms. Dastjerdi), providing the Complainant with affidavits.

The Respondent disputes the reliability and admissibility of the Complainant's evidence, particularly the affidavits he claims are unverified or improper. He submits a counter-affidavit from Ms. Bateni, an individual mentioned by the Complainant, who has denied the Complainant's allegations.

Additionally, the Respondent alleges that a Canadian trademark application for PARSICANADA was filed on October 20, 2020 by an entity associated with the Complainant (Application No. 2058705). That application is currently under examination, with an objection issued on October 1, 2024 on grounds including deceptive misdescriptiveness and lack of inherent distinctiveness.

Finally, the Respondent asserts that use of the PARSICANADA mark on social media platforms such as YouTube and Instagram is legitimate and that the use of Google Ads in Farsi does not constitute bad faith. He clarifies that an Instagram account incorporating the name "Mokhtari" is not managed by him, but by Ms. Zahra Mokhtari, an independent contractor, and that "Mokhtari" is a common surname in Iran.

3. CONTENTIONS OF THE PARTIES

- **The Complainant's contentions set out in the Complaint**

The Complainant contends that the requirements of the Policy have been met.

The Complainant submits that the Disputed Domain Name is confusingly similar to his registered trademark PARSCANADA and its variant PARS CANADA. He argues that the minor typographical difference between the two—specifically the presence of the letter "i"—does not meaningfully distinguish the Disputed Domain Name from his trademark, especially given the linguistic and phonetic nuances of the Farsi language. In this context, he asserts that "Pars" and "Parsi" are often interchangeable in both written and spoken Farsi, and therefore the Disputed Domain Name is likely to cause confusion among consumers who are searching for his well-established services.

According to the Complainant, this confusion has already materialized in practice, with multiple clients mistakenly engaging the services of the Respondent under the belief that they were dealing with Parscanada. He further asserts that this mistaken identity has led to reputational damage when customers, having received inadequate service from the Respondent, wrongly attribute their dissatisfaction to the Complainant's firm. The cumulative result, he argues, is not only lost revenue and goodwill, but a disruption to his professional operations and a diversion of business opportunities.

The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. He states that the Respondent has never been known by the name "Parscanada", "Parscanada" or any derivative names nor any similar mark, and that there is no evidence of any bona fide offering of goods or services under the Disputed Domain Name before the Complainant's trademark was registered or widely used. Rather, he asserts that the Respondent's adoption of the Disputed Domain Name was a deliberate act intended to exploit the Complainant's goodwill, given the timing of the domain registration in 2017—long after the Complainant's use of the PARSCANADA mark began.

Furthermore, the Complainant alleges that the Respondent's use of the Disputed Domain Name has been in bad faith. He contends that the Respondent registered the Disputed Domain Name with knowledge of the Complainant's mark and with the intent to capitalize on consumer confusion for commercial gain. This is further evidenced, according to the Complainant, by the Respondent's use of targeted advertisements and misleading social media accounts to mimic or associate with the Complainant's identity and services. Such conduct, he argues, demonstrates a pattern of behavior consistent with bad faith registration and use under the UDRP.

Finally, the Complainant seeks the transfer of the Disputed Domain Name, arguing that this remedy is necessary to prevent further consumer deception, to safeguard his trademark rights, and to restore rightful control of a domain name that is, in his view, unlawfully and misleadingly exploiting his established trademark.

- **The Respondent's contentions set out in the Response**

The Respondent disputes the Complainant's claims on all three elements under the UDRP.

First, he denies that the Disputed Domain Name is confusingly similar to the Complainant's trademark. While the Complainant relies on the Canadian trademark PARSCANADA (challenged by the Respondent before the Federal Court), the Respondent stresses the material difference between "Pars" and "Parsi," arguing that they have distinct meanings in Persian and would not be confused by Farsi-speaking users. He also emphasizes that the Complainant does not hold rights to the word PARSCANADA as such, and that the domain in question incorporates the Respondent's own brand identity developed over time.

Second, the Respondent asserts a legitimate interest in the Disputed Domain Name. He states that the domain was registered in 2017 and has been used in good faith since early 2018 by his company, Parspendar, for lawful business activities related to immigration and education services. He provides evidence of continued use, including advertisements, customer interactions, and public visibility under the name PARSCANADA,

claiming that such use establishes a bona fide offering of services. He also denies having knowledge of the Complainant or his alleged trademark rights at the time of registration and suggests that the Complainant's trademark was not well-known or widely used, especially outside Canada.

Third, the Respondent strongly refutes any suggestion of bad faith. He contends that the Disputed Domain Name was registered independently and without intent to target the Complainant. He characterizes the Complainant's allegations as unfounded and defamatory, and argues that his business has operated transparently and lawfully. The Respondent disputes the alleged confusion among clients and points to the late timing and motives behind the Complaint, including concurrent litigation filed in Iran by the Respondent. In the Respondent's view, the Complaint is an abuse of the UDRP process and an attempt to gain leverage in a broader legal conflict.

Lastly, the Respondent submits that the UDRP is not the appropriate forum to adjudicate this matter. Given the factual complexity, the volume of supporting evidence, and the ongoing legal proceedings in Iran and Canada, the Respondent argues that the issues at stake—particularly those involving competing rights and potential defamation—are best resolved through national courts rather than administrative dispute resolution. The Respondent urges the Panel to decline the Complaint or suspend the proceedings pending the outcome of the other legal proceedings pending in Iran and Canada.

- **The Complainant's contentions set out in the unsolicited Supplemental Filings**

In his Supplemental Filings dated April 22, 2025, the Complainant reiterates the arguments set out in the Complaint and responds to the contentions raised by the Respondent.

The Complainant alleges that the Disputed Domain Name infringes his PARSCANADA mark under Canadian trademark law, specifically referencing the Canadian Intellectual Property Office's (CIPO) likelihood of confusion test (subsection 6(5) of the Trademarks Act), which assesses the likelihood of confusion for the average consumer. The Complainant argues that the Disputed Domain Name is confusingly similar based on appearance, sound, services, and prior use, which strongly supports his claim of trademark infringement.

He also alleges that he filed application for the PARSICANADA mark in 2020 to demonstrate its unregistrability due to its similarity with his existing mark. A 2025 CIPO office action confirms that PARSICANADA is confusingly similar to PARSCANADA, further supporting his claim.

He also rejects the Respondent's defense that "Pars" or "Parsi" are simply descriptive or geographical terms, arguing that even if they were, the real issue is the actual confusion caused by the domains, which offer identical services.

The Complainant further accuses the Respondent of submitting falsified evidence, including contracts dating from 2015-2016 that reference PARSICANADA, despite the Disputed Domain Name only being registered in 2017. He highlights multiple discrepancies which undermine the authenticity of the documents.

Additionally, the Complainant claims the Respondent's reference to Iranian legal actions against him is part of a broader harassment and intimidation campaign, retaliating for the Complainant's public criticism, including a social media video.

In his email to CIIDRC dated April 28, 2025, the Complainant provides a detailed examination of alleged discrepancies and falsifications within the submitted contracts, referencing specific documents that, in his view, illustrate the fraudulent nature of the Respondent's submissions.

- **Remedy Sought**

The Complainant requests the Disputed Domain Name be transferred to it.

The Respondent requests the Panel to deny the Complaint or suspend the proceedings for the reasons mentioned above and states that the Complainant brought this dispute in bad faith, constituting Reverse Domain Name Hijacking ("RDNH") under the Policy.

4. DISCUSSION AND FINDINGS

4.1 Requirements

Under Paragraph 15(a) of the Rules, the Panel shall decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules, and any rules and principles of law the Panel deems applicable.

Paragraph 4(a) of the Policy provides that the Complainant must establish each of the following three elements to obtain a transfer of the Disputed Domain Name:

1. the Disputed 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 Disputed Domain Name; and
3. the Disputed Domain Name has been registered and is being used in bad faith.

Only if all three elements are satisfied will the Panel order the transfer of the Disputed Domain Name to the Complainant. If any of the elements is not satisfied, the Complaint must be denied and the domain name registration will remain with the Respondent.

The burden of proof rests with the Complainant. The applicable standard of proof in proceedings under the Policy is the balance of probabilities, meaning that a party must demonstrate that it is more likely than not that a claimed fact is true.

4.2 Analysis

4.2.1 Procedural Issues – The Complainant’s unsolicited Supplemental Filings

Paragraph 12 of the Rules makes clear that it is for the Panel to request, in its sole discretion, any further statements or documents from the parties that it deems necessary. Paragraph 10 of the Rules similarly vests the Panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and to conduct the proceedings with due expedition.

Further to this, and in order to clarify the procedural issue of unsolicited Supplemental Filings, paragraph 4.6 of the WIPO Overview 3.0 states that for the sake of procedural efficiency, Panels are generally reluctant to accept such unsolicited filings, unless there are “exceptional circumstances” requiring their admission into evidence.

In the present case, the Panel has not requested any additional communications from the parties. Nevertheless, Complainant has submitted unsolicited Supplemental Filings. The Panel has reviewed these submissions and finds that none of the circumstances raised can be considered as “exceptional circumstances” under Paragraph 4.6 of the WIPO Overview 3.0. On the contrary, they reinforce the Panel’s view that, as further discussed below, this case involves complex factual and legal issues which appear to be part of a larger dispute between the parties that falls outside the limited scope of the UDRP.

4.2.2 Dispute outside of the scope of the UDRP

The UDRP is intended to provide remedy for clear-cut cases of abusive domain name registration (i.e., cybersquatting), not to adjudicate complex trademark or business disputes involving competing rights. It is not the appropriate forum for resolving factual disputes regarding the existence or priority of rights between two parties that both claim legitimate interests in a term used in the Disputed Domain Name.

This foundational principle is clarified in the WIPO Final Report on the WIPO Internet Domain Name Process which formed the basis for the Policy (“the scope of the procedure is limited so that it is available only in respect of deliberate, bad faith, abusive domain name registrations or ‘cybersquatting’ and is not applicable to disputes between parties with competing rights acting in good faith”) and in the ICANN’s Second Staff Report on Implementation Documents for the UDRP (“administrative resolution [is] for only a small, special class of disputes. Except in cases involving ‘abusive registrations’ made with bad-faith intent to profit commercially from others’ trademarks (e.g., cybersquatting and cyberpiracy), the adopted policy leaves the resolution of disputes to the courts (or arbitrators where agreed by the parties) ...”).

In this administrative proceeding, both parties present detailed and conflicting factual narratives, including:

- Competing claims of longstanding use of similar marks (PARSCANADA vs. PARSICANADA);
- Conflicting allegations regarding the timing and awareness of each other’s activities;

- Disputes over consumer confusion, commercial goodwill, and potential trademark infringement;
- Ongoing legal proceedings in Iran and Canada, including a Federal Court trademark expungement action and a pending civil/criminal hearing.

These matters raise substantial questions of trademark law, evidentiary credibility, and potentially defamation and fraud—issues that cannot be properly resolved on a document-only record within the UDRP’s narrow scope. The Panel notes that the Respondent has submitted evidence of commercial use of the PARSICANADA name prior to any notice of dispute, and that the Complainant has contested that use and alleged deliberate imitation, as well as falsification of the documents. The Complainant relies on a Canadian trademark registration for PARSCANADA, which is currently subject to an expungement proceeding—further highlighting the unsettled nature of the rights at issue. It also appears that there are ongoing legal proceedings in Iran relating to the broader business conflict between the Complainant, the Respondent, and related individuals and entities.

The Panel notes that much of the evidence submitted by both parties, including examples of the website operated under the Disputed Domain Name, are in Farsi and were not translated into English by the parties.

Based on the above, the Panel finds that this dispute is not a straightforward case of cybersquatting but rather a complex commercial and trademark dispute between parties that may both have legitimate claims. Such a case is more appropriately resolved in a court of competent jurisdiction or other forum equipped to assess factual evidence, conduct discovery, and weigh witness credibility.

This approach is consistent with numerous prior UDRP decisions in which panels have declined to rule on the merits where the dispute exceeded the narrow scope of the Policy. For example:

- In WIPO Case No. D2000-0955, CNA Financial Corporation & Allstate Insurance Company v. Insurance Services Plus, Inc. (December 15, 2000), the panel observed that “the resolution of the issues before the Panel involves factual disputes, questions of credibility of witnesses, and matters of trademark law, as well as other legal issues, that are beyond the scope of the disputes intended to be resolved under the Policy. These matters go considerably beyond the scope of issues that can be fairly resolved on a document-only basis and within the 14-day decision-making deadline”.
- Similarly, in Forum Case No. FA0703000944826, Courtney Love v. Brooke Barnett (May 14, 2007), the panel held that: “The two parties present very different accounts of the facts and use those accounts to support their claims for common law trademark rights in the disputed domain names. The written evidence submitted by the parties is inconclusive... National courts are better equipped to take evidence and to evaluate its credibility. Further, the purpose of the Policy is not to resolve disputes between parties who might each have legitimate rights in a domain name”.
- In WIPO Case No. D2010-0244, Jetfly Aviation SA v. Jens K. Styve / Domains by Proxy, Inc. and Happy Landings S.A. (April 5, 2010), the panel deferred to a pending court case in Geneva, noting that

if the court failed to resolve the matter or dismissed it without resolution, the complainant could refile a UDRP complaint.

- In Forum Case No. FA1604001668860, Sun Ray Chinese School, Inc. v. Hui Chiu / MEI HSU (May 16, 2016), the panel declined to rule under the Policy, deferring to a concurrent court case: “After analyzing the facts and the evidence, the Panel finds that it is more reasonable to defer to the concurrent court case... it is hard to properly adjudicate a dispute where two parties claim rights over a domain name and trademark and where little opportunity is available to test conflicting assertions”.
- In Forum Case No. FA1604001670641, NZ Manufacturing, Inc. v. Eric Snell (June 3, 2016), where the respondent had filed a USPTO cancellation petition challenging the complainant’s mark as generic, the panel terminated the UDRP proceeding, stating that “the existence of rights and/or legitimate interests turns on resolution of a legitimate trademark dispute”.
- In WIPO Case No. D2016-0388, Petrofac Services Limited v. Petrofac Qatar WLL (May 19,2016), the panel remarked: “The circumstances may give rise to a legitimate trademark infringement lawsuit... but do not present a clear case of cybersquatting”.

Importantly, in CIIDRC Case No. 24521-UDRP, Panamerica Trade Inc. v. Hofer and Decker (March 15, 2025), the panel reaffirmed the limited scope of the UDRP: “Assertions of trademark infringement are entirely misplaced and totally inappropriate for resolution in a UDRP proceeding because the Policy applies only to closely defined abusive cybersquatting”.

In light of these decisions, and after careful review of the factual and legal submissions of both parties, the Panel concludes that this dispute falls outside the scope of the UDRP.

Accordingly, the Panel declines to address the merits of the three UDRP elements under Paragraph 4(a)(i)-(iii) of the Policy and dismisses the Complaint without prejudice.

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 relief shall be denied and the Complaint dismissed without prejudice. The domain name <parsicanada.com> shall remain with the Respondent.

Made as of May 5, 2025

SIGNATURE OF PANEL



