



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

CIIDRC case number:	25366-CDRP	Decision date: August 5, 2025
Domain Name:	eden-foods.ca	
Panel:	Richard Levy	
Complainant:	Eden Foods, Inc.	
Registrant:	Donnie Wiegand DDS	

1.0. PROCEDURAL HISTORY

1. This is a proceeding under the CIRA Domain Name Dispute Resolution Policy (the “CDRP” or “Policy”), in accordance with the CIRA Dispute Resolution Rules (the “Resolution Rules” or “Rules”).
2. The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel dated July 24, 2025.
3. On June 17, 2025, Christopher Kelly of Wiley Rein LLP filed a Complaint on behalf of Eden Foods, pursuant to the CDRP and the Resolution Rules. The Complaint was found in administrative compliance with CIRA’s requirements under Rule 3.2.
4. On June 17, 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 Donnie Wiegand DDS/Eden Foods (the “Registrant”). CIRA also confirmed that the disputed domain name was placed on a Registrar LOCK and that the Domain Name has a Registration Date of 2025-04-16 (the “Registration Date”).

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5. 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 June 19, 2025.
6. By July 24, 2025, no Response has been filed by the Registrant.
7. The Complainant in this administrative proceeding has elected for a Panel consisting of a single member. The Complainant deposited the required Panel fee on July 22, 2025.
8. CIIDRC appointed the undersigned as a single-member Panel on July 24, 2025.
9. The undersigned has confirmed to CIIDRC that he can act impartially and independently as the Single Member Panel in this matter.
10. The undersigned determines that he has been properly appointed and constituted as the Single Member Panel to determine the Complaint in accordance with the Rules.

2.0. CANADIAN PRESENCE AND TECHNICAL REQUIREMENTS


11. Section 1.4 of the Policy 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, version 1.3 (“CPR.”), unless the Complaint relates to a trademark registered in the Canadian Intellectual Property Office (“CIPO”) and the Complainant is the owner of that trademark.
12. Complainant satisfies Canadian Presence Requirement #17 as the owner of CA Trademark Reg. No. TMA327249 for the mark EDEN, which is included exactly in the disputed domain EDEN-FOODS.ca.
13. The Panel therefore determines that the Complainant has satisfied the provisions of section 1.4 of the Policy. Based upon the information provided by CIIDRC and the Complainant in the Complaint, the Panel finds that all technical requirements for the prosecution of this proceeding have been met.

3.0. FACTS ALLEGED BY THE PARTIES AND REMEDIES SOUGHT

3.1 Complainant

14. **Domain name registration.** The disputed Domain Name was registered on 2025-04-16, with Open Provider Inc, <https://www.openprovider.com>, E-Mail Address: abuse@registrar.eu

15. **Trademark Rights.** The Complaint is based on the following trademark of which Complainant is the owner:

Trademark	App. No.	App. Date	Reg. No.	Reg. Date
	0537963	1985-03-11	TMA327249	1987-05-08

(the “Eden Trademark”)

This registration is for a wide variety of food products, including *inter alia*, vegetable oils, fruit juices and snack food.

16. Complainant also owns rights in EDEN and EDEN FOODS due to its longstanding use and consumer recognition and goodwill in the Canadian market (as described further below)

17. **Complainant’s Business.** Eden Foods is a leading producer of natural and organic food and beverage products. Since at least 1967, Eden Foods has offered products and services under its family of EDEN formative marks. That family of marks includes EDEN standing alone, EDEN FOODS, EDENSOY, EDENEWS, EDEN STORE, and EDEN ORGANIC, as well as logos and stylizations thereof. At present, Eden Foods has over 300 types of products for sale, and its international sales regularly exceed \$100,000,000 USD.

18. Since 1975, Eden Foods’ products offered under the EDEN and EDEN FOODS marks have been for sale in Canada and to Canadian consumers. Eden Foods is registered in Canada under Business Number 893306365, Registry ID 1373816. Eden Foods’ products are available to Canadian consumers through various channels of trade, including through Eden Foods’ storefront on Amazon.com, its own e-commerce site at its legitimate website at EDENFOODS.com, and sales through Canadian stores including Well.ca, Pantree.ca, and iHerb.com. This longstanding use in Canada has created consumer recognition and goodwill in the EDEN and EDEN FOODS marks.

19. **Complainant’s Website.** Complainant’s website is located at edenfoods.com and promotes Complainant’s products. This website is active.

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20. **Registrant's Website.** This website is located at the Domain Name. The website to which EDEN-FOODS.ca resolves expressly identifies itself as "Eden Food Company Canada," displays the EDEN mark at the top left corner where a brand identifier customarily appears on a website, and uses Eden Foods' precise fern logo. The domain name is substantively identical to Eden Foods' legitimate site at EDENFOODS.com, and the offending website mimics the color scheme of Eden Foods' legitimate site. The site claims that "Eden Food Company Canada is a leading job portal designed to connect job seekers with top employers worldwide, with a special focus on visa-sponsored opportunities." The website offers specific jobs with listed salaries, none of which are actually available through Eden Foods. The application process requires applicants to hand over sensitive information, including an individual's passports and ID cards.
21. Eden Foods has not authorized use of its intellectual property in the domain name or on the website associated with EDEN-FOODS.ca, and has no association with its false job offers or promises to provide immigration assistance.

3.2 Registrant

22. As was noted above, Registrant has not filed a Response.

4.0 CONTENTIONS OF THE PARTIES

4.1 Complainant

23. **Confusingly similar.** Complainant submits that the Domain Name is confusingly similar to its Mark and common law rights in EDEN, in which Complainant had rights more than 30 years prior to the registration of the Domain Name and that it continues to have such rights.
24. Eden Foods has also used EDEN and its business name EDEN FOODS extensively in the Canadian market since at least 1975, including through its online sales and through Canadian retailers, and has been registered to do business in Canada for decades.
25. The entire word element of Eden Foods' registered mark is incorporated precisely into the EDEN-FOODS.ca domain. The additional portion of the domain, "foods," is descriptive of Eden Foods' actual product offerings, explicitly covered by the trademark registration, and thus this additional element only heightens the confusing similarity to Eden Foods' trademark rights.

- *Dansko, LLC v. Zimmerman, 24272-CDRP (CIIDRC 2025).*

26. Moreover, the EDEN-FOODS.ca domain precisely reflects Eden Foods' trademark and company name EDEN FOODS, with the insubstantial addition of the ccTLD .ca.

- *Shopify Inc. v. Aivazidis*, 24336-UDRP (CIIDRC 2025)

27. **Legitimate interest.** Complainant submits that Registrant has no legitimate interest in the Domain Name, in accordance with paragraph 3.1(b) of the Policy.

28. Based on the registration records that conceal identifying information for Registrant, and the website to which the domain name resolves which obviously seeks to impersonate Eden Foods, it is apparent that the domain name is a copy of Eden Foods' mark: is not clearly descriptive or generic of any goods or services purported to be offered at the site, or the place of origin, is not being used in good faith in association with non-commercial activity, is instead being used as part of a business impersonation scheme, does not reflect Registrant's legal name or common identifier, and is not descriptive of any non-commercial activity or place of business.

29. Instead, the website at EDEN-FOODS.ca is being used for a quintessentially illegitimate interest: to defraud consumers. The website misrepresents itself as Eden Foods to lend credibility to promises of overseas jobs. The website then solicits sensitive information from visitors as part of the process of "applying for" these jobs and obtaining necessary immigration services. But there are no jobs; there are no services. Instead, visitors are providing these sensitive details to apparent fraudsters looking to make money off of the confusion they've created through the unauthorized use of Eden Foods' intellectual property.

- *DK Crown Holdings Inc. v. Unknown*, 24697-CDRP (CIIDRC 2025) (finding "sufficient evidence to show that the Registrant has no rights or legitimate interests in the disputed domain name" where the domain was used to impersonate the mark holder in furtherance of apparent fraud);
- WIPO Overview 3.0, [S]ection 2.13.1 ("[T]he use of a domain name for illegal activity[,] [such as] [...] impersonation/passing off, or other types of fraud[,] can never confer rights or legitimate interests on a respondent.")

30. Complaint contends that previous panels (referring here to panels constituted under UDRP Rules) have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent, citing:

31. **Bad faith registration.**

32. Complainant submits that Registrant's registration of EDEN-FOODS.ca was clearly done in bad faith. Registrant began use of EDEN and EDEN FOODS well after Eden Foods had established strong trademark rights in the terms (with use in Canada dating back to 1975 and a trademark registered in 1987, as opposed to the 2025 registration of the disputed domain name). Some fifty years after Eden Foods began using its marks in Canadian commerce, Registrant registered a domain name identical to Eden Foods' company name and mark, confusingly similar to its registered EDEN mark, and substantively identical to Eden Foods' own legitimate domain name (differentiated only by the top-level domains .com and .ca). Based on these facts alone, it is highly probable that Registrant registered the domain with an intent to leverage Eden Foods' trademark rights.

33. When the domain name is considered together with the website to which Registrant's domain resolves, it becomes *impossible* to reconcile Registrant's actions with anything other than bad faith. Registrant is using the website to impersonate Eden Foods, by adopting its name, logo, and color scheme.

- *DK Crown Holdings Inc. v. Unknown*, supra

34. Using Eden Foods' identity to lend credibility, Registrant then engages in business impersonation fraud, offering fake jobs in return for visitors' sensitive information. Fraud is paradigm bad faith, and solidifies Registrant's bad faith

- *Telstra Corp. Ltd. v. Catherine Schimanski, We Love WA Media*, D2020-0118 (WIPO 2020)

35. The only plausible conclusion from Registrant's impersonation, passing off, and attempted fraud, is that Registrant registered EDEN-FOODS.ca with an intent to cause consumer confusion for Registrant's own financial gain, and thus Paragraph 3.5 of the Policy is satisfied.

36. **Remedy sought.** The Complainant requests that the Domain Name be transferred to it pursuant to paragraph 4.3 of the Policy.

4.2 Registrant

37. As was noted above, the Registrant has not filed a Response.

5.0 DISCUSSION AND FINDINGS

5.1 Eligibility

38. As indicated in 2.0 above, Complainant is an eligible complainant under Section 1.4 of the CDRP.

5.2 Requirements

39. In accordance with Paragraph 4.1 of the CDRP, Complainant must prove, on a balance of probabilities:

- (a) That the Registrant's dot ca (.ca) 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, as described in paragraph 3.3 of the Policy;
- (b) That the Registrant has registered the Domain Name in bad faith, as described in paragraph 3.5 of the Policy; and
- (c) That the Registrant has no legitimate interest in the Domain Name, as described in paragraph 3.4 of the Policy, Complainant having the initial onus of providing *some* evidence of this element.

If the Complainant is unable to satisfy its onus and provide the required proof, the Complaint fails. The Panel will consider each of these requirements in turn.

5.3 Analysis

5.3.1 That the Domain Name is Confusingly Similar to a Mark in which the Complainant had Rights prior to registration of the Domain Name and continues to have such Rights.

40. The test for determining whether a domain name is "Confusingly Similar" to a Mark is set out in paragraph 3.3 of the Policy, 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." This test differs in many ways from the test of confusion under the *Trademarks Act*.

41. For the reasons given in the contentions of the Complainant above, the panel has determined that EDEN is a Mark, that Complainants had Rights in this Mark decades before registration of the disputed Domain Name and continues to have such rights and that the Domain Name is Confusingly Similar to the Mark.

42. Therefore, the Panel finds that Complainant has proven this first element.

5.3.2 That the Registrant has No Legitimate Interest in the Domain Name

47 Paragraph 4.1 of the Policy requires that, to succeed in the Complaint, Complainant must provide some evidence that Registrant has no legitimate interest in the Domain Names, as described in paragraph 3.4.

48 Paragraphs 3.4 (a) through (d) require that Registrant be acting in good faith. Good faith on the part of Registrant is negated by Registrant attempting to pass itself off as Complainant to deceive clients of Complainant.

49 Paragraphs 3.4 (e) and (f), when applied to this matter, do not provide Registrant with a legitimate interest in the Domain Name.

50 The Panel finds that the Complainant has provided sufficient evidence that the Registrant has no legitimate interest in the Domain Name and has therefore met its onus. As Registrant did not contest these proceedings, the Panel finds that Complainant has proven this second element.

5.3.3 That the Registrant has Registered the Domain Name in Bad Faith

51. Only in rare cases will there be direct evidence of a registration in bad faith. In most cases, as case law attests, such a finding is based on “common sense inferences from the registrant's conduct and other surrounding circumstances.”

52. Under paragraph 3.5 of the Policy, Registrant will be considered to have registered the Domain Name in bad faith if Complainant can demonstrate that Registrant, in effecting the registration of the Domain Name, was motivated by any one of the four general intentions set out in that paragraph. The paragraph also stipulates that these particular circumstances are “without limitation.”

53. The Panel finds, upon the evidence before it, that Registrant, in using the confusingly similar Domain Name to impersonate Complainant, was misrepresenting to visitors of its website that they were interacting with Complainant and was doing so for malicious purposes. This constitutes evidence of registration of the Domain Name in bad faith.

54. The Panel holds that the following ground, *inter alia*, in paragraph 3.5 applies to the case at hand:

Paragraph 3.5(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

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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."

55. Accordingly, the Panel finds that Registrant has registered the Domain Name in bad faith and that Complainant has proven the third required element of the Policy.

56. In summary, the Panel finds that Complainant has proven the three required elements of the Policy.

6.0 DECISION AND ORDER

43. The Panel therefore finds that the Complainant has satisfied the onus placed upon it by paragraph 4.1 of the Policy and is entitled to the remedy sought by it, namely that the Domain Name be transferred to it pursuant to paragraph 4.3 of the Policy.

57. For the above reasons, in accordance with paragraph 4 of the CDRP, and paragraph 12 of the Resolution Rules, the Panel orders that the Domain Name **eden-foods.ca** be transferred to Complainant.

Dated: August 5, 2025



Signed: Richard S. Levy

