



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	25526-CDRP	Decision date: 18 September 2025
Domain Name:	logibyte.ca	
Panel:	Rodolfo Rivas (Chair), Hon. Neil Brown, KC, Claude Freeman	
Complainant:	Logibytes Inc.	
Registrant:	Xiao Yu Zhu	

1. OVERVIEW

This matter concerns a registered domain name, <logibyte.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”).

2. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from CIIDRC to the Panel:

1. On June 23, 2025, the Complainant filed a Complaint pursuant to the CDRP and the Resolution Rules. The required commencement fee was paid on the same day. The Complaint was filed via online platform.
2. On July 23, 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 Xiao Yu Zhu (the “Registrant”). CIRA also confirmed that the disputed domain name was placed on a Registrar LOCK and that the Disputed Domain Name has a Registration Date of 2025-06-16 (the “Registration Date”).

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3. Paragraph 4 of the CDRP Rules sets out the Notice of Complaint. Under Paragraph 4 “the Provider shall review the Complaint for administrative compliance with the Policy and the Resolution Rules.” The Complaint was found to be non-compliant with the CDRP, and a deficiency letter was sent to the Complaint on July 25th, 2025. The Complainant subsequently retained counsel, Richard Levy, and refiled the Complaint via email on August 2nd, 2025.
4. 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 August 11, 2025.
5. The deadline for submitting a Response was set for September 1, 2025.
6. On August 25, 2025, the Registrant filed the Registrant’s Response to the Complaint in accordance with the CIRA Domain Name Dispute Resolution Rules.
7. On August 27, 2025, counsel for the Complainant requested from the Panel the right to reply to the Response of the Registrant in this matter.
8. On August 29, 2025, the Panel, through a Panel Order, noted that in limited circumstances—where the Panel considers that additional information or argument may assist in resolving specific contentions raised in the pleadings—the Panel may allow further submissions. This approach is consistent with the principles outlined in the WIPO Overview 3.0, paragraph 4.7. In the matter at hand, the Panel granted the Complainant leave to file a supplemental submission limited strictly to the issue of the “Limited Recognition of the Complainant’s Mark,” as raised in the Response, as well as granting the Registrant the right to reply accordingly. On September 3, 2025, the Complainant filed the supplemental submission. On September 5, 2025, the Registrant filed its response to the Complainant’s supplemental submission.

Panel Appointment

9. In accordance with Paragraph 6 of the Rules, the Provider shall appoint a three-member Panel, with consideration to the nominees of the parties, and select a Chair.
10. CIIDRC named Hon. Neil Brown, KC, and Claude Freeman, LL.M., C.Arb, C.Med. as panelists. Rodolfo Rivas is named as Chair of the Panel. The Panel accordingly confirmed acceptance of appointment, and submitted the statement of impartiality and independence as required under Paragraph 7 of the Rules.
11. Absent exceptional circumstances, and pursuant to Resolution Rule 12.2, the decision was originally due by September 17, 2025. However, the Parties were informed that, in light of the additional time afforded for the filing of supplemental submissions, the deadline for the Decision had been extended accordingly.

The Disputed Domain Name was registered on 2025-06-16.

The undersigned Panel determines that the Panel has been properly appointed and constituted as the three-member Panel to decide the Complaint in accordance with the Policy and the Rules.

3. FACTS

The background facts can be summarized as follows.

The Complainant, Logibytes Inc., based in Montreal, Quebec, provides a suite of services under its trademark and trade name “LOGIBYTES” (the “Trademark”). Its services include: system integration, IT automation, and test automation for a wide variety of clients. It has done so since 2016, when it was incorporated under the CBCA, corporation number 974922-5, on May 11, 2016.

The Complainant first registered its domain name, <Logibytes.ca> in May 2016, an email from Registrar, Go Daddy. After receiving a notice of Renewal Failure from Go Daddy in May 2018, the Complainant immediately proceeded to re-register the domain name <LOGIBYTES.CA> on November 18, 2018.

The Complainant launched its website in 2016.

The Complainant has also used its Trademark in association with its services on LinkedIn since at least 2018.

As it does business in Quebec, the Complainant has, in accordance with Quebec law, registered itself with the *Registre des entreprises du Québec*. The entry for the Complainant in this Register, indicates that it declared its use of the name LOGIBYTES Inc. on May 13, 2016, as well as Solutions LOGIBYTES on the same date. The Complainant filed annual reports with the Register in every subsequent year, namely from 2017 to 2024.

Although the Registrant, is located in Kirkland, Quebec, on the Island of Montreal, and is obliged to register pursuant to the *Registre des entreprises de Québec*, there is no registration for the Registrant who registered the disputed domain name in June 2025.

4. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant submits.

1. Confusingly Similar to a Trademark.

a. “LOGIBYTES” is a Trademark (the “Trademark”)

“LOGIBYTES”, the Trademark and trade name of the Complainant, is a combination of the segment “Logi” i.e., 1) the dictionary word “logic” with the “C” omitted or 2) the French word “logiciel” (software) with the “ciel” omitted, and the dictionary word “byte”. (Byte is defined by Merriam-Webster online dictionary as “a unit of digital information, typically consisting of eight bits.”) The combination of the segment “LOGI” and the word “BYTES” forms a novel unitary term that is not clearly descriptive nor generic. Rather, it is unique and distinctive, when used in association with the Complainant’s services.

The Trademark has been used in Canada by the Complainant for many years, and well prior to the Registrant's registration of the Disputed Domain Name, in association with the services of the Complainant described above, to distinguish its services and business, as discussed further below.

Therefore, the Complainant submits that it has proven that "LOGIBYTES" is a Trademark.

b. The Complainant had Rights in the Trademark prior to the date of registration of the Disputed Domain Name.

The Complainant has used its Trademark in Canada continuously since 2016, as discussed above,

In contrast, the Disputed Domain Name was registered nine years later by the Registrant on June 16, 2025 (the "Creation Date").

The Complainant has worked with ten prominent companies in Canada since 2016 and completed one hundred projects with those clients, to which it offered services in association with its Trademark, as indicated on its website.

Therefore, the Complainant submits that it has proven that it had Rights in the Trademark prior to the date of registration of the Disputed Domain Name.

c. The Complainant continues to have Rights in the Trademark since the initial date of registration (i.e. the Creation Date) of the Disputed Domain Name.

In the short period of time of less than two months since the Creation Date, the Complainant has continued its use of the Trademark on its website and in its interactions with clients on its currently active projects.

Therefore, the Complainant submits that it has proven that it continues to have Rights in the Trademark since the initial date of registration (i.e. the Creation Date) of the Disputed Domain Name.

d. The Registrant's Domain Name should be considered as Confusingly Similar to the Trademark

The relevant portion of the Disputed Domain Name is "LOGIBYTE". That portion is identical in every way to the Trademark, "LOGIBYTES", save for the omission of the plural letter "S". When a Trademark is included in a domain name, except that the domain name renders the Trademark single, it must perforce pass the "so nearly resembles" test. In appearance, sound and idea, the domain name is likely to be mistaken for the Trademark.

Therefore, the Complainant submits that it has proven that the Registrant's Domain Name is Confusingly Similar to the Trademark.

Conclusion. The Registrant's domain name <logibyte.ca> should be considered as Confusingly Similar to a Trademark in which the Complainant had Rights prior to the date of registration of the disputed domain name and continues to have such Rights.

2. Registrant has no legitimate interest in the Disputed Domain Name.

The website of the Complainant includes these features: i. the Trademark “LOGIBYTES” in prominent large upper-case font; ii. a line of milestones in numbers: years of experience, projects, clients, managed budget; iii. rectangles describing “Our Services” arranged in rows and columns of a 3 by 3 matrix; iv. a list of projects scrolling horizontally interspersed with the logos of companies who Complainant worked with on those projects; v. Testimonials from clients.

The website of the Registrant, which can be reviewed at <<https://logibyte.ca>>, includes these virtually identical features: i. the trademark “LOGIBYTE” in prominent bright colours at the top; ii. in imitation of the Complainant, a matrix of rectangles describing “Our Digital Solutions” arranged in row of three, followed by a horizontal listing of Services; iii. in imitation of the Complainant, Testimonials; vi. in imitation of the Complainant, on the menu banner on the top, there is a webpage About which consists of a line of milestones in numerals: years of experience, projects completed, team members, client satisfaction; iv. in imitation of the Complainant, on the menu at the top, there is a webpage on Projects; v. in imitation of the Complainant, on the menu at the top, there is a webpage on Our Partners, in which logos of their clients similarly scroll sideways.

For the reasons given above, none of the circumstances listed in ss. 3.4(a) to (f) of the Policy demonstrate that the Registrant has a legitimate interest in the Disputed Domain Name, after July 9, 2015:

The Registrant did not use the Trademark in good faith and had no Rights in the Trademark as evidenced by:

The fact that the Registrant, like the Complainant, lives in the greater Metropolitan Area of Montreal and is in the same business as the Complainant leads to the inference that the Registrant knew of the Complainant’s prior rights in the Trademark on the Creation Date in June 2025;

The obvious imitation by the Registrant of several features of the Complainant’s website;

The Registrant’s failure to register on the Quebec register of enterprises, in contrast with the Complainant which had registered since 2016;

The prominence of the Complainant in the same business in the same area for nine years before the Creation Date; and

The distinctiveness of the Trademark and the goodwill in the Mark associated with the Complainant.

The Registrant did not register the Disputed Domain Name in Canada in good faith in association with any wares, services or business and the Disputed Domain Name was not 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;

The Registrant did not register the Disputed Domain Name in Canada in good faith in association with any goods, services or business and the domain name was not understood in Canada to be the generic name thereof in any language;

The Registrant did not use the Disputed Domain Name in association with a non-commercial activity; the website is clearly and explicitly commercial.

The Disputed Domain Name was not the legal name of the Registrant or commonly identified him;

The Disputed Domain Name was not a geographical name.

Therefore, the Complainant submits that it has proven that the Registrant has no legitimate interest in the Disputed Domain Name.

3. The Registrant registered the Disputed Domain Name in bad faith.

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 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.

The facts described in the section on "Legitimate Rights", section 2. Above, clearly demonstrate the elements of paragraph 4) cited immediately above, summarized as an intentional attempt by the Registrant to attract Internet users to its website by crating a likelihood of confusion with the Complainant's Trademark. Those facts are, as follows:

The Registrant like the Complainant lives in the greater Metropolitan Area of Montreal and is in the same business as Complainant - leading to the inference that the Registrant knew of the Complainant's prior rights in the Trademark on the Creation Date in June 2025;

The obvious imitation by the Registrant of several features of the Complainant's website;

The Registrant's failure to register its name on the Quebec register of enterprises, in contrast with the the Complainant which had registered the Trademark since 2016;

The prominent use by the Complainant of the Trademark in the same business in the same geographical area as the Registrant, for nine years before the Creation Date, which use, we can reasonably assume, was known to the Registrant; and

The distinctiveness of the Trademark and the goodwill in the Trademark associated with the Complainant and the registration of the Trademark in the singular, omitting only the pluralizing letter "S".

Therefore, the Complainant submits that it has proven that the Registrant registered the Disputed Domain Name in bad faith.

Supplemental Submission.

First, the consulting companies, such as Dempton Consulting Group, (“Dempton”) which the Registrant characterizes as “intermediaries”, are important customers in their own right. Engineers and other technology professionals contract their services to companies such as Dempton, which in turn aggregate these services and contract with end-users such as Siemens to supply these sub-contractors for complex projects.

On its website, Dempton states:

Our Team. “The team is made up of experienced professionals who carry out large-scale projects in complex environments. Most of our consultants are certified in their field of expertise and take part in training and development activities on new developments in the industry. Dempton Consulting Group – Dempton

In a nutshell, Dempton is the customer of these professionals; Siemens is the customer of Dempton. Put another way, the professionals are sub-contractors of Dempton. Sub-contractors often offer their services and build their reputations in association with service marks.

In the early years of his career, the founder and current CEO of the Complainant, Logibytes Inc., Assad Babai, provided his services to Dempton in association with the Trademark “LOGIBYTES”. The goodwill and reputation of the services associated with the distinctive Trademark “LOGIBYTES” are important to such aggregators or “intermediaries” when they select and contract for such services in order to provide them, in turn, to their customers, such as Siemens.

Second, as Mr. Babai and his company, the Complainant, Logibytes Inc. grew, the company itself became an “intermediary”, i.e., an aggregator of professionals with expertise. As such, the Complainant contracted directly with the end-users, such as Siemens. Logibytes Inc., using the Trademark “LOGIBYTES”, has contracted directly with Siemens for five years, since 2020. It has also contracted directly with end-users such as CGI, Cogeco and Intact for many years.

Third, as the Complainant expanded its business, it began to use intermediary consulting firms, such as Dempton, to assist it in finding professionals. The distinctiveness and goodwill associated with the Trademark “LOGIBYTES” therefore also serves the Complainant as a trusted customer for consulting firms such as Dempton. In sum, the Complainant is both a customer and supplier to Dempton and a direct supplier to Siemens and others.

It is within this entire complex of information technology customers and suppliers that the Registrant’s illegal use of the Trademark “LOGIBYTE” is harming Complainant. It was when a “direct customer” of the

Complainant, (CGI), searched for the Complainant's website and then questioned Mr. Babai whether he was LOGIBYTE(S) with an "S" or without an "S", that the Complainant became aware of the Registrant's existence.

- **Registrant**

Legitimate Interest

Descriptive meaning of the name: The Disputed Domain Name "Logibyte" is derived from the words "logic" and "byte", both common terms in computing and IT fields. It is a coined descriptive term that directly reflects the intended business activities (artificial intelligence, blockchain, and software development). These two words are not unique identifiers belonging exclusively to the Complainant.

Planned bona fide business use: The Registrant's business partner, Tong Zhou, and the Registrant are highly experienced IT professionals. Their LinkedIn profiles confirm our expertise. They registered <logibyte.ca> in good faith as part of preparations for establishing an IT consulting and software development business with a focus on AI and Blockchain.

Good faith preparations: Although the website under the Disputed Domain Name <logibyte.ca> is in the development stage and some information is not complete yet, the website demonstrates genuine preparatory steps to establish our own business consistent with paragraph 3.4(b) of the "Resolution Rules", which recognizes the legitimate interest where the domain is used in good faith in association with a business.

Accordingly, they have a legitimate interest in the Disputed Domain Name.

No Bad Faith

The Complainant's allegations of bad faith are without merit.

No Knowledge of the Complainant's Domain Name: At the time of registering the Disputed Domain Name <logibyte.ca>, the Registrant had no knowledge of the Complainant's domain name, business, or trademark. The Disputed Domain Name was generated through a keyword search and suggested by GoDaddy's registration platform. The registration was undertaken independently and in good faith, without any intent to target or interfere with the Complainant's rights. Furthermore, the Complainant has not provided any evidence establishing that I possessed prior knowledge of their company at the time of registration.

No intent to sell: The Registrant has never offered the Disputed Domain Name for sale to the Complainant or to anyone else.

No blocking behavior: The Complainant is free to operate under its corporate name and its own domain names. The registration of the Disputed Domain Name <logibyte.ca> was not intended to block or interfere (contrary to paragraph 3.5(b)).

No disruption: The Registrant did not register the Disputed Domain Name in order to disrupt the Complainant's business (contrary to paragraph 3.5(c)).

No confusion for commercial gain: The website design (purple background) is clearly different from the Complainant's (dark blue and white background), and the logos are totally different. There has been no attempt to confuse users for commercial benefit (contrary to paragraph 3.5(d)).

Furthermore, the GoDaddy account records confirm that <logibyte.ca> is the only domain name that the Registrant has ever registered. This demonstrates that the Registrant is not in the business of registering domain names for resale or to target trademarks — a practice typical of cybersquatters.

Distinction Between Domain Names and the Recognition of the Complainant's Mark

The Complainant's Trademark is "Logibytes Inc." while the Disputed Domain Name is <logibyte.ca>. The singular form is different from their pluralized corporate name.

Limited Recognition of the Complainant's Trademark: The Complainant's Trademark has little to no recognition in Canada and lacks distinctiveness. Their claim of "working with prominent companies" is misleading, as the evidence shows these engagements occurred only through subcontracting with intermediaries, not direct contracts. Subcontracting is a routine practice in the IT industry and does not create any direct association or reputation with the prominent companies cited. As such, the Complainant cannot rely on these subcontracting arrangements to establish distinctiveness or goodwill in its trademark. Moreover, the attempt to misrepresent subcontracting as direct engagement further weakens the Complainant's credibility and does not support a claim of bad faith under paragraph 3.5.

Outdated and Misleading Website Information: The Complainant's own website contains outdated and inaccurate information, which further undermines their claim regarding the value of the Trademark. For example, the address listed on their website is not functional, the copyright notice has not been updated, and their claim of possessing "100 years of experience" is clearly exaggerated. Collectively, these deficiencies demonstrate that the Complainant's Trademark lacks both recognition and meaningful commercial value.

Given the limited recognition of the Complainant's mark and the clear differences in branding, there is no likelihood of confusion.

Response to supplemental submission

The Complainant has overstated its reputation and provided incomplete or altered evidence. The Siemens purchase order is redacted and categorizes the Complainant as a "small business concern." The Cogeo contract was with affiliate Breezeline and structured as hourly outsourcing, while other work was performed as subcontracting through Dempton, an intermediary staffing vendor. The Intact "evidence" is merely a copy-

pasted Word file of a preliminary inquiry email, not proof of a contract. The Complainant also operates from a residential address and calls itself a “leader since 2016” without independent validation.

By contrast, the Registrant registered the Disputed Domain Name independently and in good faith, with no knowledge of the Complainant or its business, which has no industry recognition. The Registrant has never sought to sell, block, disrupt, or confuse. The Complaint therefore fails to meet the Policy requirements.

1. Credibility of Evidence

The Complainant’s submissions lack transparency and reliability.

The Siemens purchase order and breezeline service agreement has been deliberately redacted, with all unit quantities and pricing hidden. Without this information, the true scale of the work cannot be assessed.

Other documents, including the Intact example, are not original emails but copy-pasted text placed into Word files and modified. Such documents could easily be altered and should carry little probative weight.

2. Exaggerated Industry Claims

The Complainant presents itself as a “leader since 2016” on the website, yet the facts contradict this: The company’s registered address is a residential home, not a business office; In the Siemens purchase order, Siemens itself categorized the Complainant as a “small business concern.”; On its website, the Complainant claims to be a “leader in the industry since 2016.” This is a self-promotional statement, unsupported by independent awards, market share, or industry recognition.

3. Nature of Client Engagements

The Complainant’s examples of client work do not establish broad or direct corporate recognition:

Cogeco: The engagement cited was not with Cogeco itself but with an affiliate, Breezeline, and structured as hourly outsourcing at the individual level.

Siemens: The redacted purchase order appears to reflect only small units of work, not large-scale enterprise projects.

Dempton: In the initial Response, the Registrant explained that the Complainant overstated its claim of working with prominent companies, as the work was performed through vendor intermediaries. In its supplemental filing, the Complainant attempted to reframe Siemens as “customers of their professionals,” but in reality, the work was carried out as a subcontract through Dempton, a staffing firm. This is a common IT practice and does not demonstrate recognition of the Complainant’s trademark or business.

4. Reference to Intact (An insurance company)

The Complainant also claims to have worked with Intact Insurance. The only “evidence” provided is a copy-pasted Word file of an email — not an original, verifiable record. Even if taken at face value, the message merely shows that Intact expressed preliminary interest and asked for supplier information such as a profile, scope of work, and draft agreement. This is a routine inquiry, not evidence of a contract or supplier relationship. Presenting it as proof of a client engagement is misleading.

5. Limited Recognition

After two rounds of submissions, the Complainant has only provided: a redacted Siemens order categorizing it as a “small business,”; an affiliate outsourcing arrangement with Breezeline as an hourly paid individual; a copy-pasted inquiry email with Intact, and other copy-pasted email conversations.

This does not amount to proof of broad industry recognition or a well-known Trademark in Canada.

6. Good Faith and Legitimate Interest

The Registrant registered the Disputed Domain Name independently, without knowledge of the Complainant, which has no industry recognition.

The name was chosen in good faith to reflect the Registrant’s own business idea. The Registrant never sought to sell, block, disrupt, or confuse. The preparations for business use are consistent with legitimate interest under paragraph 3.4(b) of the CDRP.

7. Procedural Context

Under Rule 11.1 of the CIRA Rules, supplemental filings are permitted only in exceptional circumstances. The Complainant’s second filing does not introduce genuinely new or exceptional evidence. Instead, it attempts to fill gaps identified in the initial Response.

- **Remedy Sought**

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

5. DISCUSSION AND FINDINGS

5.1 Eligibility

Paragraph 1.4 of the Policy requires that to initiate the Complaint, the Complainant, at the time of the initiation of the Complaint, must satisfy the Canadian Presence Requirements for Registrants (“Canadian Presence Requirements”) unless the Complaint relates to a trademark registered in the Canadian Intellectual Property Office (“CIPO”) and the Complainant is the owner of that trademark.

The Complainant has been using the tradename “LogiBytes” since at least 2016.

Therefore, the Panel determines that the Complainant has satisfied the provisions under section 1.4 of the Policy.

5.2 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.

5.3 Analysis

Based upon the information provided by CIIDRC, the Panel finds that the Registrant is deemed to have been given notice of the Complaint, and all technical requirements for the prosecution of this proceeding have been met.

The Panel acknowledges that this matter presents several complexities that have required careful consideration. In light of the issues in contention, and by way of exception, the Panel requested supplemental submissions from the parties with a view to obtaining greater clarity on specific aspects of the case.

Nevertheless, as is often the case in proceedings of this nature, the Panel is required to make determinations based on incomplete information and without the benefit of a full opportunity to cross-examine the assertions made or to test the validity of the evidence submitted.

Having regard to these limitations, the Panel has reached its conclusions in this matter by considering all of the submissions, assertions, and evidence provided by the parties, and applying the standard of the balance of probabilities.

The Panel will now consider each of the requirements below.

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

In analyzing the first requirement and looking at the relevant portions of paragraph 3.2 of the Policy and based on the evidence provided, it appears that the Complainant has been using the trade name “LogiBytes” since at least 2016.

Based on this, the Panel finds that the Complainant has established that the “LogiBytes” mark qualifies as a “Mark” for paragraph 3.2(a) of the Policy and that it has Rights to the Mark.

The Panel must now analyze if there is a confusing similarity between the Disputed Domain Name and the Mark.

As contained in the record and evidence, the Disputed Domain Name almost reproduces the Mark in its totality, namely, “LogiBytes”. As paragraph 1.2 of the Policy indicates, the .ca suffix can be excluded from the analysis for the purpose of this proceeding. The reason why it is not considered a total reproduction is that there is a slight change, that is the absence of the last letter in the Mark, namely the letter “S” in the Disputed Domain Name. This slight difference is immaterial to dispel the confusing similarity between the Disputed Domain Name and the Complainant’s Mark.

Based on the preceding, the Panel finds that the Complainant has established, on a balance of probabilities, that the Disputed Domain Name is confusingly similar to the Complainant’s Mark.

5.3.2 Whether the Registrant registered the Domain Name in Bad Faith

The Panel must now turn to the bad faith requirement contained under paragraph 3.5 of the Policy. Under this requirement, the Registrant will be considered to have registered the disputed domain name in bad faith if the Complainant can demonstrate that the Registrant in effecting the registration of the Disputed Domain Name was motivated by any one of the four general intentions set out in paragraph 3.5 of the Policy.

To determine bad faith, the Panel must base its conclusions on the evidence provided, the assertions and the balance of probability.

The supplemental submissions addressed the issue of the “Limited Recognition of the Complainant’s Mark”, which the Panel considered relevant to explore further in order to gain a clearer understanding of the matter. Upon reviewing the arguments and evidence, the Panel finds that the overall size, scope, and method of the Complainant’s business have no bearing on the legitimacy of the Complainant’s rights in this case. While the Complainant would have been better served including this material in the initial Complaint, the supplemental submissions do not significantly alter the analysis. However, they do provide some additional context for the Panel’s consideration.

The Registrant, like the Complainant, is domiciled in the same Canadian province and, according to the Registrant, operates within the same industry. While this fact alone may not be significant, it does raise a pertinent question: given the close geographical and industry proximity, and despite the Registrant’s assertions regarding the limited recognition of the Complainant’s Mark, how is it possible that the Registrant was unaware

of the Complainant? The Disputed Domain Name is nearly identical to the Complainant's Mark, differing only by the omission of the letter "S." Although the Mark may not be particularly fanciful, it is more likely than not that the Registrant was aware of it prior to registering the Disputed Domain Name. This inference is further supported by certain similarities observed on the respective websites. Even if the Registrant claims not to have known of the Complainant, it would be reasonable to expect that, in the course of preparing to launch or develop a business, the Registrant and his team would have conducted competitive research—especially in the local area in which they operate. Taken together, and on the balance of probabilities, it is reasonable to infer that the Registrant was likely aware of the Complainant's prior rights in the Mark before registering the Disputed Domain Name.

If this is the case—as suggested by the analysis above—it raises the question of whether the Registrant intentionally sought to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's Mark. While the Registrant has raised certain arguments concerning the nature of the Complainant's business, it remains true that the Complainant has built up a measure of goodwill in the Mark since first using it in 2016. Given that the Registrant operates in the same industry as the Complainant, this overlap increases the plausibility that the Registrant's intent was, at least in part, to benefit from the association with the Complainant's Mark. Taking all the evidence into account, and applying the standard of the balance of probabilities, it appears more likely than not that the Registrant registered and used the domain name with the intent to exploit the Complainant's goodwill.

Accordingly, the Panel finds on a balance of probabilities that the Registrant has registered the Disputed Domain Name in bad faith under paragraph 3.5(d) of the Policy.

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

Although the Registrant offers some explanations regarding the choice of the Disputed Domain Name, the more plausible explanation—on the balance of probabilities—is that the Registrant was aware of the Complainant. Even if the Registrant denies direct knowledge, the fact that both parties operate in similar lines of business and are located in the same province increases the likelihood that the Registrant would have come across the Complainant during the preparatory phase of setting up their business. It is therefore reasonable to infer that the Registrant became aware of the Complainant and its Mark during this phase, yet nevertheless proceeded to register the Disputed Domain Name, likely with the intention of capitalizing on the Complainant's goodwill.

Alternatively, suppose the Registrant's explanation is taken at face value. In that case, the Disputed Domain Name was suggested by GoDaddy, the domain registrar. It is worth noting that such automated suggestions are typically generated when a user attempts to register a domain name that is already taken. In this context, it is plausible that the Registrant initially tried to register a domain name similar to <logibytes.ca>, and the registrar suggested a variation, such as the singular form, <logibyte.ca>. If this were the case, it would further

support the conclusion that the Complainant’s Mark was already within the Registrant’s awareness, or at the very least, within the range of names being considered—again raising concerns about intent and potential exploitation of the Complainant’s brand.

The Panel, on the balance of probability, finds that the Complainant has provided sufficient evidence to establish that the Registrant has no legitimate interest in the Disputed Domain Name and the Registrant has failed to demonstrate that any of the circumstances set out in paragraph 3.4 of the Policy exist in this case.

6 DECISION and ORDER

For the above reasons, the Panel 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, in accordance with Paragraph 4 of the CDRP, Paragraph 12 of the Resolution Rules, the Panel orders that the Disputed Domain Name, namely <logibyte.ca>, be transferred to the Complainant.

Made as of 18 September, 2025.

SIGNATURE OF PANEL



Rodolfo. C. Rivas



Hon. Neil Brown, KC



Claude Freeman

