



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

CIIDRC case number:	25348-CDRP	Decision date: August 11, 2025
Domain Name:	brytesoft.ca	
Panel:	R. John Rogers	
Complainant:	SC Trade Group PTE. Ltd.	
Registrant:	Alshorif Hossain	

1. PROCEDURAL HISTORY

1.1 The Complaint

The Canadian International Dispute Resolution Centre ("CIIDRC") is a recognized service provider pursuant to the Domain Name Dispute Resolution Policy (the "Policy") and Rules (the "Rules") of the Canadian Internet Registration Authority ("CIRA").

On June 18, 2025, the Complainant filed a complaint (the "Complaint") with CIIDRC. In the Complaint, the Complainant sought an order in accordance with the Policy and the Rules directing that the registration of the domain name <brytesoft.ca> (the "Domain Name") be transferred to the Complainant.

CIIDRC determined the Complaint to be in administrative compliance with the requirements of the Policy and the Rules and, pursuant to Rule 4.4, notified the Registrant of the Complaint by way of an emailed letter to the Registrant dated July 7, 2025. This letter advised the Registrant that in accordance with Rule 5.1 he had until July 28, 2025 to file his response to the Complaint.

The Registrant filed the requisite response after this deadline on July 31, 2025 after the Complainant had elected for a panel consisting of a single-member.

By way of an emailed letter dated August 6, 2025, the undersigned was selected as the Single Member Panel (the "Panel") to determine this matter. The undersigned has confirmed to CIIDRC that he can act impartially and independently as the Panel in this matter.

The undersigned determines that he has been properly appointed and constituted as the Panel to determine the Complaint in accordance with the Rules.

Domain Name: brytesoft.ca
25348-CDRP

2. FACTS ALLEGED BY THE PARTIES

2.1 The Complainant

The facts alleged by the Complainant in the Complaint might be summarized as follows:

1. The Complainant is a private company incorporated in Singapore in 2010. Its core business is the retail sale and online distribution of computer software products,
2. Since at least May 2018 the Complainant has operated under the trade name and trademark “BRYTESOFT” (the “Mark”) through which it has built a significant global presence, including substantial sales and marketing operations directed specifically at Canadians,
3. Since the inception of this business, the Complainant has used the Mark in association with these services and has done so continuously and exclusively in the course of trade. The Mark is prominently featured on its official website, <brytesoft.com> (the “Principal Website”), on product pages, within purchase confirmations, and in customer correspondence,
4. The Complainant conducts its business primarily through the Principal Website which has been operational since 8 May 2018. Through the Principal Website it has distributed and resold genuine Microsoft software keys to customers globally, including in Canada.
5. A landing page of the Principal Website is specifically tailored to Canadian consumers through customer-facing features, including the ability to view product pricing in Canadian dollars. These features have resulted in Canadian consumers associating the Mark directly with the Complainant’s services,
6. The Mark functions as a distinctive indicator of source, denoting the Complainant’s business and allowing consumers to distinguish its offerings from those of other resellers,
7. Prior to the registration of the Domain Name by the Registrant on February 5, 2022, the Complainant through the Principal Website and utilizing the Mark generated:
 - a. From November 1, 2018 to December 31, 2019:
 - i. 402,943 users globally of which 32,388 users were Canadian, and
 - ii. USD 2,243,325.45 in total revenue, of which USD 177,948.49 was generated from Canadian users, and
 - b. From January 1, 2020 to December 31, 2020:
 - i. 71,516 users globally, of which 4,257 users were Canadian, and
 - ii. USD 760,258.06 in total revenue, of which USD 73,498.70 was generated from Canadian users, and
 - c. From January 1, 2021 to December 31, 2021:
 - i. 79,596 users globally, of which 5,736 users were Canadian, and
 - ii. USD 991,349.69 in total revenue, of which USD 86,614.54 was generated from Canadian users,
8. The Complainant completed the registration of the Mark as the trademark BRYTESOFT (“Trademark”) with the Canadian Intellectual Property Office under Registration Number TMA1,310,469 on May 2, 2025 with a priority filing date of October 31, 2022,
9. The website to which the Domain Name resolves (“Respondent’s Website”) lists software products for sale, including Microsoft software keys,
10. Approximately three months after registering the Domain Name, the Respondent’s Website displayed numerous elements directly copied from the Principal Website including its overall structure, verbatim subheadings, and identical step-by-step instructions for purchase and activation,
11. These elements also included the logo (a composite mark with the word “BRYTESOFT” alongside a distinctive “b” device in black and orange), and the tagline “Bulk discounts for single products. Same software, lower price” resulting in the wholesale replication of not only of the Complainant’s Mark but also of the Complainant’s visual identity and commercial presentation,
12. In addition to the Domain Name, the Registrant registered the following domain names incorporating the Mark or variants thereof: <brytesoft.net>, <brytesoft.org>, <brytsoft.com>, <brytesoft.co.uk>, <brytesoft.de>, and <brytesoft.au> (collectively “Domain Appropriations”). Of the Domain Appropriations, the domain names <brytesoft.org>, <brytesoft.net>, <brytsoft.com>, and <brytesoft.co.uk> have been ordered to be transferred to the Complainant,
13. On 24 March 2023, the Complainant through its representative sent a cease-and-desist letter to the Registrant referencing the Domain Name and some of the Domain Appropriations, and

14. On 26 March 2023, a response was received from the Registrant wherein he offered to transfer the Domain Name together with the other of the Domain Appropriations referenced in the Complainant's March 24, 2023 letter for the sum of USD 150,000.

2.2 The Registrant

The facts alleged by the Registrant in the Response might be summarized as follows:

1. At the time of registration of the Domain Name by the Registrant the Mark had not been registered as a trademark in Canada and he did not have knowledge of any common-law rights or pre-existing reputation associated with the Domain Name that would have prohibited its registration with CIRA,
2. The name "Brytesoft" incorporated into the Domain Name is a combination of the common English words "bright" and "software" which reduces its distinctiveness, and
3. The Registrant registered the Domain Name with the intention of developing an independent brand or product offering under this name on the Respondent's Website based upon its appeal and availability.

3. CONTENTIONS OF THE PARTIES

3.1 The Complainant

The Complainant submits that as a result of its international sales and marketing efforts through the Principal Website commencing on or around May 8, 2018, it established within Canada, well before the registration of the Disputed Domain Name on 5 February 2022, substantial goodwill and a strong reputation among Canadian users.

Through consistent and widespread use of the Mark in connection with the Complainant's software distribution business, Canadian consumers have come to associate the Mark directly with the Complainant's services. The Mark functions as a distinctive indicator of source, denoting the Complainant's business and allowing consumers to distinguish its offerings from those of other resellers and establishing with the Complainant common law rights in the Mark.

These common law rights in the Mark were confirmed by its registration of the Trademark on May 2, 2025 with a priority filing date of October 31, 2022.

The Complainant submits that the consistent traffic data to the Principal Website, as well as corresponding revenue figures, both globally and from Canadian users specifically, in the period prior to the registration of the Disputed Domain, clearly demonstrates that the Complainant's business enjoyed a strong reputation and significant goodwill among Canadian consumers prior to the registration of the Domain Name.

It further submits that the use of the Mark continuously since May 8, 2018 in the course of trade has meant that that Canadian consumers have come to associate the Mark with a reliable source of genuine Microsoft software products with the result that the Mark has functioned as a distinctive identifier of the Complainant's services that consumers rely on when purchasing software from the Complainant.

The strong reputation and goodwill of the Complainant for the reliable distribution of genuine Microsoft software products are further supported by over 6,000 customer reviews, including from Canadian users.

The Respondent's Website lists prominently on its landing page software products for sale, including Microsoft software keys. This demonstrates that the Registrant is not engaged in a legitimate non-commercial use of the Domain Name, but instead seeks to operate a business that directly competes with the Complainant by attempting to pass itself off as the Complainant in order to deceive clients of the Complainant and to mislead Internet users into believing that the website was operated, authorised, and/or otherwise affiliated with the Complainant.

The deliberate copying of the elements of the Principal Website onto the Respondent's Website shortly after the registration of the Domain Name leaves no plausible explanation other than that the Registrant had actual knowledge of the Complainant's rights in the Mark and deliberately sought to pass off the Respondent's Website as that of the Complainant's.

In addition the registration of the Domain Appropriations reflect a concerted and deliberate effort on the Registrant's behalf to appropriate the Complainant's Mark across multiple domain spaces.

3.2 The Registrant

The Complainant has not demonstrated common law trademark rights in Canada that would pre-date the registration of the Domain Name.

The Domain Name was registered for lawful business purposes, with the name "Brytesoft" not being inherently distinctive and chosen independently without reference to the Principal Website and based upon its brand potential and availability for registration with CIRA.

There is no evidence that the Registrant has attempted to sell, rent, or otherwise transfer the Domain Name to the Complainant for valuable consideration.

The Registrant denies using the Domain Name to intentionally attract, mislead, or confuse users seeking the Complainant's website or services and submits that there is no evidence that consumers, visitors or users have been confused or have associated the Registrant's brand or business with that of the Complainant.

The Registrant has not copied the Complainant's content.

The Registrant does not have a history or pattern of registering domain names that are similar to trademarks or business names of others. This is an isolated domain registration based on a name the Registrant independently found suitable and available under CIRA registration.

3.3 The Remedy Sought

The Complainant requests the Domain Name be transferred to it.

The Registrant submits that as the Domain Name was not registered in bad faith that the Complaint should be denied in its entirety.

4. DISCUSSION AND FINDINGS

4.1 Eligibility

Paragraph 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 v 1.3 ("Canadian Presence Requirements").

Paragraph 2(q) of the Canadian Presence Requirements provides that a person which is the owner of a trademark registered under the *Trade-marks Act* (Canada) R.S.C. 1985 c.T-13 as amended from time to time satisfies the Canadian Presence Requirements provided that the domain name in question consists of or includes the exact word component of the registered trademark. As the Complainant owns the Trademark and as the Domain Name contains the exact word component of the Trademark, the Panel finds that the Complainant has satisfied the Canadian Presence Requirements, that it has satisfied the provisions of paragraph 1.4 of the Policy, and that it is therefore entitled to initiate the Complaint.

4.2 The Policy

The purpose of the Policy, as stated in Paragraph 1.1 of the Policy, is to provide a forum in which cases of bad faith registration of .ca domain names can be dealt with relatively inexpensively and quickly.

Paragraph 4.1 of the Policy puts the onus on the Complainant to demonstrate this "bad faith registration" by proving on a balance of probabilities that:

1. The Mark qualifies as a "Mark" as defined in Paragraph 3.2 of the Policy,
2. the Complainant had "Rights" in the Mark prior to the date of registration of the Domain Name and continues to have "Rights" in the Mark,

3. the Domain Name is “Confusingly Similar” to the Mark as the concept of “Confusingly Similar” is defined in Paragraph 3.3 of the Policy,
4. The Registrant does not have a “legitimate interest” in the Domain Name as the concept of “legitimate interest” is defined in Paragraph 3.4 of the Policy, and
5. the Registrant has registered the Domain Name in “bad faith” in accordance with the definition of “bad faith” contained in Paragraph 3.5 of the Policy.

If the Complainant is unable to satisfy this onus, bad faith registration is not demonstrated, and the Complaint fails.

4.3 That the Domain Name is Confusingly Similar to a Mark in which the Complainant has Rights

Mark

In the matter at hand, the relevant portions of Paragraph 3.2 of the Policy states that for the purpose of the Policy a “Mark” is:

- (a) trademark, including the word elements of a design mark, or a trade name that has been used in Canada by a person, or the person’s predecessor in title, for the purpose of distinguishing the wares, services or business of that person or predecessor or a licensor of that person or predecessor from the wares, services or business of another person;

The Registrant in his submissions contends that the Complainant has not demonstrated common law trademark rights in Canada that would pre-date the registration of the Domain Name.

The Panel disagrees with the submission of the Registrant and finds that there is clear evidence before the Panel that the Complainant through the Principal Website commenced using the Mark in carrying on business in Canada since May of 2018 and that the Mark has been used since that date up to and including its official incorporation into the Trademark in May of 2025.

The Panel finds that the Complainant has established that the Mark qualifies as a “Mark” for the purposes of Paragraph 3.2(a) of the Policy.

Rights

Paragraph 3.1 of the Policy requires that the Complainant has “Rights” in the Mark. Unfortunately, the term “Rights” is not defined in the Policy.

As above referenced, the Panel finds that there is clear evidence before the Panel of the Complainant’s ownership and use in Canada of the Mark in carrying on business in Canada through the Principal Website, and the Panel, therefore, finds that the Complainant has “Rights” in the Mark for the purpose of Paragraph 3.1 of the Policy.

Confusingly Similar

The Policy in Paragraph 3.3 provides that the Domain Name will be found to be “Confusingly Similar” to the Mark only if the Domain Name so nearly resembles the Mark in appearance, sound or the ideas suggested by the Mark as likely to be mistaken for the Mark.

As Paragraph 1.2 of the Policy defines the Domain Name for the purpose of this proceeding to exclude the .ca suffix, the portion of the Domain Name without the .ca suffix is the portion of the Domain Name relevant for consideration.

The test to be applied when considering confusing similarity is one of first impression and imperfect recollection. Will a person as a matter of first impression, knowing only the Mark, and having imperfect recollection of the Mark, likely mistake the Domain Name for the Mark based upon the appearance, sound or the idea suggested by the Mark?

As the Domain Name excluding the .ca suffix is exactly the same as the Mark, the Panel finds that the Complainant has met the onus placed upon it by Paragraph 3.3 of the Policy and has demonstrated that the Domain Name so nearly resembles the Mark in appearance, sound or the ideas suggested by the Mark as to be likely to be mistaken for the Mark.

4.4 The Registrant Has No Legitimate Interest in the Domain Name

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

Paragraph 3.4 of the Policy provides that a registrant will have a legitimate interest in a domain name if:

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

In Paragraph 3.4(d) “use” by the Registrants includes, but is not limited to, use to identify a website.

It is to be noted that with respect to the matter at hand, in Paragraphs 3.4(a), (b), (c), and (d), there is a requirement that the Registrant act “in good faith”. There is no evidence before the Panel that the Registrant used the Domain Name in good faith. Rather, as noted below, there is a strong suggestion in the evidence before the Panel that the Registrant uses the Domain Name for the purpose of trading off the goodwill of the Complainant and the Mark by redirecting web traffic to the Registrant’s Website.

Therefore, the provisions of these paragraphs do not apply.

The Registrant’s name is not included in the Domain Name, nor does the Domain Name include a geographical reference to the location of the Registrant’s non-commercial activity or place of business. Therefore, the provisions of Paragraph 3.4(e) and Paragraph 3.4(f) do not apply.

The Panel finds that the Complainant has provided some evidence that the Registrant has no legitimate interest in the Domain Name.

4.5 That the Registrant Has Registered the Domain Name in Bad Faith

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

The evidence before the Panel which has not been effectively challenged by the Registrant suggests that all of these four general intentions on the part of the Registrant are relevant in this matter in that there is evidence that

- the Registrant offered to sell the Domain name to the Complainant,

- the Registrant engaged in a pattern of registering the Domain Name and the Domain Appropriations in order to prevent the Complainant from registering the Mark as a domain name, and
- the Registrant registered the Domain Name for the purpose of disrupting the business of the Complainant.

However, of these four intentions, the form of intention contained in Paragraph 3.5(d) is the one which appears to be the most applicable to the matter at hand.

Paragraph 3.5(d) provides as follows:

- (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 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 unrefuted evidence before the Panel clearly demonstrates that as approximately three months after registering the Domain Name the Registrant's Website displayed numerous elements directly copied from the Principal Website, including the logo and the tagline, the Registrant intentionally attempted to attract for commercial gain internet users to the Registrant's Website by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation or endorsement of the Registrant's Website.

Based upon the clear evidence before it, the Panel finds that the Registrant registered the Domain Name in bad faith.

5. **DECISION and ORDER**

Decision and Order on the Domain Name

For the above reasons, in accordance with Paragraph 4 of the Policy and Paragraph 12 of the Rules, the Panel orders that the domain name, <brytesoft.ca> be transferred to the Complainant.

Made as of August 11, 2025

SIGNATURE OF PANEL



R. John Rogers

