



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

CIIDRC case number:	25377-CDRP	Decision date: August 27, 2025
Domain Name:	<ubscanada.ca>	
Panel:	Douglas M. Isenberg	
Complainant:	UBS Group AG	
Registrant:	Isaac Maillet / My Store47	

## 1. OVERVIEW

This matter concerns the domain name <ubscanada.ca> (the “Disputed 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 dated August 11, 2025, which states, in relevant part:

1. On July 8, 2025, Sébastien Gardère filed a Complaint on behalf of UBS Group AG, pursuant to the CDRP and the Resolution Rules. The required commencement fee was paid on July 9, 2025. The complaint was in administrative compliance with CIRA’s requirements under Rule 3.2.

2. On July 9, 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 Isaac Maillet / My Store47 (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 2024-09-15 (the “Registration Date”).

3. 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 July 11, 2025.

4. The Registrant failed to file response to date.

5. The Complainant in this administrative proceeding has elected for a Panel consisting of a single-member.

The Complainant deposited the required Panel fee on August 5, 2025.

The Disputed Domain Name was registered on September 15, 2024.

### **3. FACTS**

Complainant states that it was founded in 1862 and has been known as “UBS” since 1998; that it is “a well-known, Switzerland-based, global provider of banking, investment banking and financial services”; that it “employs more than 110,000 employees worldwide”; that it “amassed globally over CAD\$60 billion in revenue” in both 2023 and 2024; and that it has been recognized as “one of the world’s top 10 wealth management firms, one of the top 50 banks in the world, one of the [w]orld’s best investment banks, one of the top investment banking firms and most prestigious banks, and one of the world’s best banks in 2024.”

Complainant states, and provides evidence in support, thereof, that it “is the owner of several trademark registrations in Canada for its UBS trademark and covering a large variety of goods and services, including business management and consulting, banking and financial services, and related goods and services,” including the following:

- Canadian Reg. No. TMA626814 for UBS (registered November 26, 2004)
- Canadian Reg. No. TMA632419 for UBS (registered February 9, 2005)
- Canadian Reg. No. TMA625974 for UBS & Design (registered November 19, 2004)
- Canadian Reg. No. TMA633065 for UBS Logo (registered February 17, 2005)

These registrations are referred to herein as the “UBS Trademark.”

Complainant states, and provides evidence in support thereof, that although the Disputed Domain Name is not used in connection with an active website, the Disputed Domain Name is associated with “potential fraudulent activities” by the entity “UBS Canada Inc.” (which Complainant seems to indicate is not associated with Complainant), although the connection between “UBS Canada Inc.” and the Registrant is unclear (and, in any event, not determinative of the Panel’s decision).

#### 4. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant submits that the Registrant’s dot-ca domain name is confusingly similar to a mark in which the Complainant had rights prior to the date of registration of the Disputed Domain Name and continues to have such rights, because, *inter alia*, Complainant has owned the UBS Trademarks since at least November 26, 2004, which predates registration of the Disputed Domain Name on September 15, 2024; and “the relevant part of the Disputed Domain Name is ‘ubscanada’ which entirely incorporates the Complainant’s registered UBS trademark with the geographic identifier ‘canada’,” which “is insufficient to avoid confusion given that it simply suggests to the Internet users that the site relates to the services and activities of the Complainant, UBS, in or relating to Canada.”

The Complainant submits that the Registrant has no legitimate interest in the Disputed Domain Name because, *inter alia*, Complainant did not identify any relevant trademarks owned by Registrant, nor did a Google search identify anything relevant; “[t]here is no indication that the Registrant has made any good faith use of the Disputed Domain Name”; “the well-known status of the Complainant and its UBS mark” render Registrant’s registration of the Disputed Domain Name “very suspicious”; “the term ‘ubs’ does not have a dictionary definition”; “the Registrant’s name is not included in the Disputed Domain Name”; and Registrant “do[es] not hold an authorization from the Complainant to use the well-known UBS trademark.”

The Complainant submits that the Registrant has registered the Disputed Domain Name in bad faith because, *inter alia*:

Although not explicitly listed under paragraph 3.5 of the Policy, several decisions in relation to domain name disputes (including several decisions rendered under the CIRA Policy) have found that the non-use or passive holding of a domain name will, in certain circumstances, including when evidence demonstrates registrant likely had complainant in mind at the time it registered the domain name, constitute a domain name being used in bad faith.<sup>9</sup> In the present case, it is submitted that the the non-use or passive holding of the Disputed Domain Name constitutes evidence of registration and holding in bad faith given the following cumulative circumstances:

- a. the Disputed Domain Name is inactive (not linked to any active website);

b. UBS is a term coined and used by the Complainant and its licensees for decades as a trademark and trade name prior to the registration of the Disputed Domain Name;

c. Registrant likely knew of the Complainant's UBS mark when the Disputed Domain Name was registered given the well-known status of the UBS trademark that is associated with the Complainant, and the fact that the Registrant has registered a company named UBS Canada Inc. using a false address that is the same address as one of the Complainant's Canadian places of business;[ and]

d. there is no indication of any actual or contemplated good faith use of the Disputed Domain Name by the Registrant, and there is no plausible good faith use of the Disputed Domain Name given all the circumstances of this case[.]

Complainant adds that "any attempt to actively use the Disputed Domain Names would inevitably lead to a likelihood of confusion to the source, sponsorship, affiliation, or endorsement of the Registrant's website among users of the Internet who would inevitably be led to believe that such a website would be owned by, controlled by, established by or in some way associated with the Complainant."

- **Registrant**

The Registrant did not submit a response to the Complaint.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to it.

## **5. DISCUSSION AND FINDINGS**

### **5.1 Eligibility**

The Complainant is an eligible complainant under paragraph 1.4 of the CDRP. The Complainant is the owner of multiple registrations in Canada, including the UBS Trademark.

### **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**

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

With respect to paragraph 3.1(a) of the CDRP, the Panel concludes that Complainant had rights in the UBS Trademark prior to the date of registration of the Disputed Domain Name and that it continues to have such rights, as a result of the registrations described above.

Paragraph 3.3 of the CDRP states: “In determining whether a domain name is ‘Confusingly Similar’ to a Mark, the Panel shall only consider whether 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.” It is apparent that the Disputed Domain Name contains the UBS Trademark in its entirety plus the geographic word “Canada.” “[I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark.” WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 1.7.<sup>1</sup> Further, “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity.” WIPO Overview 3.0, section 1.8.

Accordingly, the Panel finds that Complainant has met its burden of proof with respect to paragraph 3.1(a) of the CDRP.

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<sup>1</sup> Although WIPO Overview 3.0 addresses the Uniform Domain Name Dispute Resolution Policy (“UDRP”), Paragraph 3.2(l) of the Resolution Rules expressly allows references to “dispute resolution proceedings which apply to domain names registered under any other top level domain which the Complainant considers persuasive.”

### 5.3.2 Whether the Registrant registered the Domain Name in Bad Faith

The Panel evaluates whether the Complainant has established that Registrant has registered the Disputed Domain Name in bad faith, as defined by the CDRP. Pursuant to paragraph 3.5 of the CDRP, the following “shall be evidence that a Registrant has registered a domain name in bad faith”:

- (a) the Registrant registered the domain name, or acquired the Registration, primarily for the purpose of selling, renting, licensing or otherwise transferring the Registration to the Complainant, or the Complainant’s licensor or licensee of the Mark, or to a competitor of the Complainant or the licensee or licensor for valuable consideration in excess of the Registrant’s actual costs in registering the domain name, or acquiring the Registration;
- (b) the Registrant registered the domain name or acquired the Registration in order to prevent the Complainant, or the Complainant’s licensor or licensee of the Mark, from registering the Mark as a domain name, provided that the Registrant, alone or in concert with one or more additional persons has engaged in a pattern of registering domain names in order to prevent persons who have Rights in Marks from registering the Marks as domain names;
- (c) the Registrant registered the domain name or acquired the Registration primarily for the purpose of disrupting the business of the Complainant, or the Complainant’s licensor or licensee of the Mark, who is a competitor of the Registrant; or
- (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.

Although Respondent is not using the Disputed Domain Name in connection with an active website, previous panels under the CDRP have routinely found bad faith under the well-established doctrine of “passive holding” that was first set forth in the landmark UDRP case *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003. See, e.g., *BASF SE v. Jean-Yves Collin*, Case No. CDRP-1999-CIRA (transfer of <basfproducts.ca>) (“the Panel finds that the so-called ‘passive holding doctrine’ is applicable here”); *GOJO Industries, Inc. v. Water by Wave Inc.*, (transfer of <purellhandsanitizer.ca>) (finding bad faith where Complainant cited decisions “that suggest that a registrant’s passive holding of a domain is evidence of bad faith registration”); and *DALKIA v. Nhan Nguyen*, Case No. 16873-CDRP (transfer of <dalkia.ca>) (“[f]ailure to make active use of a domain name can support a finding of bad faith”).

The passive holding doctrine has been described by WIPO Overview 3.0, section 3.3, as follows:

[T]he non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding.

While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

Here, the factors forth in WIPO Overview 3.0, section 3.3, indicate that bad faith exists under the passive holding doctrine, specifically: Complainant's UBS Trademark "has a strong reputation and is widely known," given that it is protected by multiple registrations, the oldest of which is more than 20 years old, and it is used by a company that is one of the top 50 banks in the world, employs more than 110,000 people and has annual revenue of more than \$60 billion Canadian dollars; that Registrant has failed to submit a response or otherwise participate in this proceeding; and that it is implausible that there is any good faith use to which the Disputed Domain Name may be put.

In light of the above, the Panel finds that Complainant has met its burden of proof with respect to paragraph 3.1(c) of the CDRP.

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

With respect to paragraph 4.1(c) of the CDRP, regarding a lack of legitimate interests, the Panel notes that paragraph 3.4 of the CDRP sets out six specific circumstances which, "if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate that the Registrant has a legitimate interest in a domain name." The Panel also notes that these circumstances are stated to be "without limitation," allowing a Panel to find a legitimate interest under other circumstances as well.

The Complainant submits evidence and arguments, which the Panel accepts, that the Registrant does not meet any of the criteria for legitimate interest set out in paragraph 3.4 of the CDRP, and, in the absence of a response from the Registrant, the record contains no evidence of legitimate interests. See, e.g., *General Motors LLC v. Tony Wilson*, CIRA Case No. 00182 ("the Complainant has provided some evidence that the Registrant has no legitimate interest in the Domain Name and this evidence has not been rebutted by the Registrant").

Accordingly, the Panel finds that Complainant has met its burden of proof with respect to paragraph 4.1(c) of the CDRP and therefore finds in favor of the Complainant with respect to this element of the CDRP.

**6 DECISION and ORDER**

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

Made as of August 27, 2025

SIGNATURE OF PANEL

