



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

CIIDRC case number:	25613-CDRP	Decision date: 10/31/2025
Domain Name:	<nextlevelgames.ca>	
Panel:	Nathalie Dreyfus	
Complainant:	Next Level Games Inc.	
Registrant:	Peyton Williams	

1. OVERVIEW

This matter concerns a registered domain, <nextlevelgames.ca> registered on July 23, 2025 (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 is the following

- On September 9, 2025, the Complainant Next Level Games Inc. filed a Complaint pursuant to the CDRP and the Resolution Rules. The required commencement fee was paid on September 25, 2025. The complaint was in administrative compliance with CIRA's requirements under Rule 3.2.
- On September 25, 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 CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE a division of VanIAC 500 – 666 Burrard Street, Vancouver, BC Canada V6C 3P6 T: 778-370-1432 E: resolution@ciidrc.org W: ciidrc.org 25613-CDRP October 17, 2025 CIIDRC, Appointment Letter pg. 2 is Peyton Williams (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 2025-07-23 (the "Registration Date").
- 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 September 25, 2025.
- The Registrant's response deadline was set for October 15, 2025; however, the Registrant failed to file its response and is therefore in default.

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

3. FACTS

The Complainant is a Canadian video game developer that was founded in 2002 and is based in Vancouver. In 2021, the Complainant was acquired by Nintendo Co., Ltd. and has been a wholly owned subsidiary of Nintendo Co., Ltd since then. The Complainant has developed a number of video games featuring Nintendo's characters and brands.

The NEXT LEVEL GAMES (TMA718183) was registered as a trademark in Canada on July 9, 2008, for the following services: Class 42: Computer software design, programming and development for others, namely the design and development of computer games, interactive entertainment software, and games for video consoles.

The Complainant has used the NEXT LEVEL GAMES trademark in association with its video game development. The Complainant owns and operates the domain name <nextlevelgames.com>, registered on March 29, 2004. The domain <nextlevelgames.com> resolves to, Complainant's video game development services and provides information about its business and values, together with information on company's career opportunities.

The Disputed Domain Name was registered on July 23, 2025, more than 15 years after the registration of the Complainant's trademark rights. Therefore, the Complainant's Canadian trademark rights existed long prior to the registration of the Disputed Domain Name.

The Respondent's business is unknown. The Disputed Domain Name resolved to a mirror of the Complainant's official website, including a webpage promoting job openings that could be applied to. The domain and website were used to directly contact would-be job applicants. The Registrant created profiles of actual employees of the Complainant and sent communications to job applicants requesting their personal information, such as bank account information, with the intention of initiating job interviews and hiring those who responded.

4. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant submits the disputed domain name is confusingly similar to the NEXT LEVEL GAMES trademark. The Disputed Domain Name incorporates the Complainant's trademark NEXT LEVEL GAMES verbatim (and matches the Complainant's own domain nextlevelgames.com), with no additional distinctive indicia, so the average Internet user would clearly be confused and mistake the Disputed Domain Name for the Complainant's trademark. At no point did the Complainant give the Registrant permission to incorporate the NEXT LEVEL DOMAINS trademark as part of a domain name, as part of a business name or trade name, or to otherwise impersonate the Complainant.

The Complainant asserts that the Registrant has no legitimate interest in the Domain name. The Registrant does not own a trademark registration for the trademark NEXT LEVEL GAMES. Indeed, the CIPO Trademark Database provides only one result when one looks for this trademark – the Complainant's above-referenced trademark registration for the trademark NEXT LEVEL GAMES. Furthermore, there is no use of the trademark NEXT LEVEL GAMES that would indicate that the Registrant has common law rights in that trademark. Therefore, the Registrant does not own a trademark's right that corresponds with the domain name, is not using any mark in good faith, and does not have any rights in a mark.

The Disputed Domain Name does not constitute a clearly descriptive or generic name but rather constitutes the Complainant's registered trademark NEXT LEVEL GAMES verbatim. The Registrant is not using the domain for non-commercial activity. Such bad faith use cannot constitute "non-commercial activity" providing the Registrant with rights or legitimate interests in the domain.

The Complainant asserts that the disputed domain name should be considered as having been registered in bad faith by the Registrant. The Registrant registered a domain name that incorporates the Complainant's trademark verbatim, with clear knowledge of the Complainant and its rights (as shown by the Disputed Domain Name resolving to a mirror of the Complainant's official website). The Registrant capitalized on Internet user confusion to attract them to this website, where it impersonated the Complainant to perpetrate a phishing scheme.

Furthermore, those looking to apply for job positions at the Complainant are instead attracted to the Registrant's webpage. Here, they believe they are applying for a job but are instead falling prey to a phishing scam. This disrupts the Complainant's business by redirecting those who wish to apply for a job at the Complainant to a different website where they will instead be subjected to a phishing scheme.

The foregoing demonstrates clear bad faith on the part of the Registrant when it registered and used the Disputed Domain Name.

Registrant

The Registrant has not responded to the Complaint by the due date of October 15, 2025 and is therefore in default.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to it.

5. DISCUSSION AND FINDINGS

5.1 Eligibility

In order to satisfy Paragraph 1.4 of the Policy, the Complainant must at the time of submitting a Complaint, satisfy the Canadian Presence Requirements ("CPR") in respect of the Domain Name unless the Complaint relates to a trademark registered in the Canadian Intellectual Property Office ("CIPO") and the Complainant is the owner of the trademark.

The Complainant has submitted evidence inter alia, of its CIPO Trademark Registration No TMA718183 for NEXT LEVEL GAMES. Besides, the Complainant, is a Canadian video game developer based in Vancouver.

The Panel finds that in accordance with Paragraph 1.4 of the Policy, the Complaint relates to a trademark registered in the Canadian Intellectual Property Office and that the Domain Name consists of the exact word component of that registered trademark. As such, the Complainant is an eligible complainant under paragraph 1.4 of the CDRP.

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

The Panel finds :

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

Under paragraph 3.5 of the CDRP, a domain name is “Confusingly Similar” to a Mark, if 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.

The Complainant has adduced evidence, which the Panel accepts, that he is the owner of the NEXT LEVEL GAMES trademark and accordingly the Panel finds that the Complainant has rights in the NEXT LEVEL GAMES trademark and continues to have such rights.

The disputed domain name <nextlevelgames.ca> contains the NEXT LEVEL GAMES trademark in its entirety, with no additional distinctive indicia, so the average Internet user could clearly be confused and mistake the Disputed Domain Name for the Complainant’s trademark. The Panel finds that the disputed domain name is confusingly similar to the Complainant’s NEXT LEVEL GAMES trademark, as the appearance, sound and ideas suggested by the Complainant’s NEXT LEVEL GAMES trademark are identical to the disputed domain name.

Accordingly, the Panel therefore find that the Complainant have demonstrated that the Domain Name is Confusingly Similar to the Complainant’s NEXT LEVEL GAMES trademark, as to likely be mistaken for the NEXT LEVEL GAMES trademark.

5.3.2 Whether the Registrant registered the Domain Name in Bad Faith

Under paragraph 3.5 of the CDRP, the Registrant will be considered to have registered 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.

Of these intentions, the form of intention contained in paragraph 3.5(c) and (d) are the one most applicable to the matter at hand:

- 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.

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

From the case file it appears that the disputed domain name is confusingly similar to Complainant's NEXT LEVEL GAMES trademark, a non-generic term. The Panel is in the opinion that the Respondent could not have incorporated that term, in a domain name without trying to create an association with the Complainant.

More, the Complainant has put forward evidence showing that the Respondent was not authorized to use the NEXT LEVEL GAMES trademark in the disputed domain name. The Panel therefore finds that the disputed domain name was registered in bad faith.

The disputed domain name resolved to a website that was a copy of the Complainant's official website. The Panel is in the opinion that this further confuses Internet users into believing the disputed domain name is owned and operated by the Complainant or is otherwise affiliated with the Complainant. It also shows that the Registrant was actively aware of the Complainant and its rights. The Registrant capitalized on Internet user confusion to attract them to this website, where it impersonated the Complainant to perpetrate a phishing scheme.

Indeed, it was proven that the Registrant sent communications to job applicants requesting their personal information, such as bank account information. Such actions clearly disrupt the Complainant's business. It erodes trust that individuals have in the Complainant's trademark and its website.

The Complainant have satisfied the provisions of paragraph 3.5(c) and (d) of the CDRP by establishing that the Registrant registered the Domain Name primarily for the purpose set out in those paragraphs.

In consequence, the Panel accepts the submission of the Complainant that the above matters constitute evidence that the Registrant registered the domain name in bad faith.

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

According to paragraph 3.4 of the CDRP, the presence of any of the following circumstances could demonstrate that the Respondent has rights or legitimate interest in respect of the disputed domain name:

- 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 registered 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 registered 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.

For paragraphs 3.4(a), (b), (c) and (d) to apply, there "is a requirement that the Registrant act 'in good faith. However, the Panel has previously demonstrated that the Registrant did not act in good faith because the disputed domain name was used in the furtherance of a phishing scheme designed to gather sensitive information.

The trademark NEXT LEVEL GAMES was registered in Canada by the Complainant. Canadian trademark law prohibits the registration of trademarks that are primarily merely a name or surname. Therefore, the Complainant's existing registration confirms that the Disputed Domain Name is not a name of the Registrant. As the Registrant has not filed a response to the Complaint, he has provided no evidence that the NEXT LEVEL GAMES sign is its name or surname. Thus, the paragraph 3.4(e) does not apply.

Finally, the paragraph 3.4(f) does not apply because NEXT LEVEL GAMES is not a geographical location.

The Registrant does not meet any of the enumerated circumstances set out in paragraph 3.4 of the CDRP to establish a legitimate interest in the Disputed Domain Name.

In consequence, the Panel is of the opinion that the above matters constitute evidence that the Registrant has no legitimate interest in the disputed domain name and makes a finding to that effect.

As the Registrant has not filed a response to the Complaint or sought to rebut the above evidence, he has provided no evidence of legitimate use.

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 domain name <nextlevelgames.ca> be transferred from the Respondent to the Complainant.

Made as of October 31, 2025

Nathalie Dreyfus
