CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	25614-UDRP	Decision date: **November 6, 2025**
Disputed Domain Name:	**<stottpilates.com>**	
Registrar:	**Network Solutions, LLC**	
Panel:	**Maria Alejandra López García**	
Complainant:	**Merrithew International Inc.**	
Complainant's Authorized Representative	**Daniel Anthony**, **Principal of Smart & Biggar LP**	
Respondent:	**Heinrich Wunder**	

1. PROCEDURAL HISTORY

The Complainant was filed electronically with the CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE ("CIIDRC") on September 25, 2025.

On September 25, 2025, CIIDRC transmitted by email to the concerned Registrar Network Solutions, LLC, a request for registrar verification in connection with the disputed domain name. After CIIDRC's follow-up actions, on October 2, 2025, the Registrar transmitted by email to CIIDRC its verification response advising of the identity of the Respondent and providing the following (summarized) contact details: Heinrich Wunder, Bayern, Germany; email: 'wunderheinrich@gmail.com', as the Registrant, administrative, technical and billing contact of the disputed domain name, and confirmed that the disputed domain name was placed on a Registrar LOCK. The Complainant was informed of the Respondent's information as provided by the Registrar and subsequently declined to amend the Complaint.

CIIDRC verified that the Complaint satisfied the formal requirements of the (updated) Uniform Domain Name Dispute Resolution Policy (the "Policy") adopted by the Internet Corporation for Assigned Names and Numbers

("ICANN") on August 26, 1999 and approved by ICANN on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the CIIDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules") in effect as of May 9, 2018.

In accordance with paragraphs 2 and 4 of the Rules, CIIDRC formally notified the Complaint to the Respondent. The proceedings commenced on October 7, 2025. In accordance with paragraph 5 of the Rules, the due date for the Response was October 27, 2025. The Respondent did not submit any response. Accordingly, CIIDRC notified the Respondent's default on October 28, 2025.

On October 28, 2025, according to the Complainant`s request to have the dispute decided by a single-member Panel, CIIDRC appointed María Alejandra López García as a Panelist. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by CIIDRC to ensure compliance with the Rules, paragraph 7.

On October 30, 2025, the Panel, based on paragraphs 10(a) to (d) of the Rules, issued a Procedural Order requesting the Complainant to provide additional evidence. On October 31, 2025, CIIDRC transmitted the Panel Order, in accordance with paragraph 2(h)(ii) and (iii) of the Rules. On November 4, 2025, the Complainant provided the requested evidence and information.

Having reviewed the records, the Panel finds that CIIDRC has discharged its responsibility under paragraph 2(a) of the Rules. Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the Policy, the Rules, the CIIDRC Supplemental Rules, and any applicable rules and principles of law that the Panel deems relevant.

2. FACTS ALLEGED BY THE PARTIES

The Complainant is a recognized Canadian company, focused on the culture of wellness and mindful movement since 1999. The Complainant produces and provides on a worldwide basis Pilates equipment, mentors, training, and wellness spaces.

According to the Complainant's submitted evidence, the disputed domain name was originally and legitimately registered on June 25, 1999, by the Complainant's predecessor-in-title, meaning in this case, the previous owner of the trademark STOTT PILATES, Stott Equipment Sales Inc. On February 6, 2002, the Complainant's predecessor changed its name to Merrithew Corporation. In 2013, a shift in operating as Stott Pilates into Merrithew implied the redirection of the traffic from 'stottpilates.com' to 'merrithew.com'.

Apparently, as a result of a complex amalgamation process between three companies: i) Merrithew Corporation (trademark and domain owner), ii) Merrithew International Inc., and iii) Merrithew Productions I Ltd., celebrated on February 1, 2022, becoming Merrithew International Inc., the Complainant realized that it had lost over the

disputed domain name. Since then, the disputed domain name has displayed an old version of the website from 2011. The Complainant conducted the corresponding actions with the concerned registrar without success.

The Complainant owns, among others, the following trademark registrations:

• Canadian Trademark for STOTT PILATES (word mark), Reg. No. TMA604023, filed on November 17, 1999, registered on March 3, 2004, and in force until March 3, 2034, in International Classes ("ICs") 40 and 41.

• United States Trademark for STOTT PILATES (word mark), Reg. No. 2937186, filed on May 16, 2000, registered on April 5, 2005, and in force until October 5, 2035, in ICs 41 and 42.

• United Kingdom Trademark for STOTT PILATES (word mark), Reg. No. UK00903212479, filed on June 2003, registered on February 21, 2005, and in force until June 4, 2033, in ICs 9, 16, 28, 35, 41, and 44.

The disputed domain name was registered on June 25, 1999, and resolves to a website that features the Complainant's STOTT PILATES products, services, and trademarks.

3. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant contends, in summary, that the disputed domain name was initially registered on June 25, 1999, to host a website by a predecessor-in-title to the Complainant; that in 2013, around 300 domains were transferred from various entities into the ownership and control of the Complainant, including the disputed domain name; that, as part of a business decision, the redirection of the internet traffic from 'stottpilates.com' to 'merrithew.com' was made. The Complainant contends that at some point the disputed domain name reverted back to the old version (of 2011) of the Stott Pilates website, and that the registrant's email address was changed without the Complainant's knowledge or permission. The Complainant contends that such event (believed to have occurred in 2013 or after) constituted a "transfer" or "fresh registration" of the disputed domain name since it went from being owned by a company to an unauthorized individual; as a result, the disputed domain name is currently owned and operated by an unknown entity, where the Complainant has no control over it. The Complainant, as a result of an amalgamation process, was aware of such a scenario in 2022 and conducted the corresponding actions with the concerned registrar without success.

In relation to each one of the elements of the Policy, the Complainant contends, in summary, that, the disputed domain name is confusingly similar to the Complainant's STOTT PILATES trademark; that the Respondent has no rights or legitimate interests given the use of the disputed domain name which corresponds to an old version of the Complainant's website (from 2011), which does not constitute a *bona fide* offering of goods or services, neither a noncommercial or fair use in accordance to paragraph 4.(c) of the Policy; that the disputed domain name was registered and is being used in bad faith, given that the Respondent has incurred in paragraph 4.(b)(iii) and (iv) of the Policy.

- **Respondent**

The Respondent did not reply to the Complainant's contentions.

- **Remedy Sought**

The Complainant requests that the disputed domain name be transferred to it.

4. DISCUSSION AND FINDINGS

4.1 Requirements

In accordance with paragraph 4(a) of the Policy, the Complainant must satisfy each of the three following elements:

(i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

No Response or any kind of communication has been submitted by the Respondent. The Panel will consider each of these requirements in turn and shall decide this dispute based on paragraph 15(a) of the Rules and will analyze the evidence submitted by the Complainant on the "balance of probabilities" or "preponderance of the evidence" standard. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.2.

The Panel will consider each of these requirements in turn.

4.2 Analysis

4.2.1 Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark STOTT PILATES and the disputed domain name <stottpilates.com>. See WIPO Overview 3.0, section 1.7.

The Complainant has shown rights in respect of the trademark STOTT PILATES for the purposes of the Policy. The entirety of the Complainant's trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See WIPO Overview 3.0, sections 1.2.1. and 1.7.

In relation to the generic Top-Level Domain ".com", it is well established that such element may typically be disregarded when it is used as a technical requirement of a domain name. See WIPO Overview 3.0, section 1.11.1.

The Panel finds the first element of the Policy has been established.

4.2.2 Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires the Complainant to prove that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating any of the circumstances, but without limitation, described in paragraph 4(c) of the Policy.

As previous panelists have established, satisfying the burden of proving a lack of the Respondent's rights or legitimate interests in respect of the disputed domain name according to paragraph 4(a)(ii) of the Policy "may result in the often-impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element". See WIPO Overview 3.0, section 2.1.

The Respondent has not submitted any communication during the entire proceeding.

According to the evidence submitted by the Complainant, this Panel finds that:

(1) given the background of the disputed domain name, in particular, its unexpected acquisition by an unaffiliated party, in this case, the Respondent's use of the disputed domain name, to resolve in an old version (of 2011) of the Complainant's website, which creates a risk of implied affiliation, see WIPO Overview 3.0, section 2.5.1. The Panel finds that any of it can be qualified as a demonstrable preparation of use in connection with a *bona fide* offering of goods or services, and/or a legitimate noncommercial or fair use, as set out by paragraphs 4.(c)(i) and (iii) of the Policy.

(2) there is no evidence that the Respondent has become commonly known by the term "stottpilates.com";

(3) the Respondent is not associated or affiliated with the Complainant; the Complainant has not granted any rights to the Respondent to use its trademark STOTT PILATES or has granted any license to offer any product or service, or any rights to apply for registration of the disputed domain name.

Therefore, to the satisfaction of the Panel, the Complainant has made out its *prima facie* case. No Response or any communication from the Respondent has been submitted. In this case, in the absence of a Response, this Panel accepts the Complainant's undisputed factual assertions and submitted evidence as true.

Thus, the Complainant has satisfied the second element under the Policy.

4.2.3 Registration and Use in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel concurs with the Complainant and determines that the Respondent's conduct, as it is, may fall within the scope of paragraph 4(b)(iii) and (iv) of the Policy, as follows:

(iii) the Respondent registered the domain name primarily for the purpose of disrupting the business of a competitor; and

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its 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 respondent's website or location or of a product or service on the respondent's website or location.

Despite the Complainant's apparent oversight and the challenges in pinpointing the exact date of the registrant change, this Panel is compelled to wonder: what legitimate purpose could there be for registering and maintaining a domain name that is identical to a third party's trademark —particularly one that is recognized within the wellness sector— and for operating a website whose content either replicates or directly references the site established by the Trademark Owner (Complainant) in 2011? To this Panel, this question underscores one answer: bad faith.

Additionally, given the circumstances of this case, the Panel finds that, even if the registration of the disputed domain name resulted from the Complainant's oversight, apparently in 2013, the evidence demonstrates that the legitimate owner of the disputed domain name is the Complainant, who held the trademark rights over STOTT PILATES at least since 1995 (see Reg. No. TMA604023). Therefore, the Panel finds that the change of registrant without the Complainant´s authorization, and the use given to the disputed domain name, creates a high risk of implied affiliation with the Complainant (see *Medecision, Inc. v. 창섭 김,* WIPO Case No. D2024-2973).

Thus, the Complainant has satisfied the third element under the Policy.

4. DECISION and ORDER

For the above reasons, in accordance with paragraph 4 of the Policy, paragraph 15 of the Rules, and Rule 10 of the Supplemental Rules, the Panel orders that: the disputed domain name <stottpilates.com> be transferred to the Complainant.

Made as of **November 6, 2025**

SIGNATURE OF PANEL

/María Alejandra López García/

María Alejandra López García