



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	26123-CDRP	Decision date: December 22, 2025
Domain Name:	oakcreekgolf.ca	
Panel:	Richard Levy	
Complainant:	Oakcreek Golf & Turf LP	
Registrant-Respondent	Michael Stack	

1.0. PROCEDURAL HISTORY

1. This is a proceeding under the CIRA Domain Name Dispute Resolution Policy (the “CDRP” or “Policy”), in accordance with the CIRA Dispute Resolution Rules (the “Resolution Rules” or “Rules”).
2. The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel dated December 16, 2025.
3. On November 4, 2025, David McCluskey filed a Complaint on behalf of Oakcreek Golf & Turf LP, pursuant to the CDRP and the Resolution Rules. The required commencement fee was paid on the same day. The complaint was in administrative compliance with CIRA’s requirements under Rule 3.2.
4. On November 4, 2025, CIRA was notified of this proceeding and on November 10, 2025, CIRA transmitted by email to CIIDRC its verification response informing that the registrant of the Disputed Domain Name is Michael Stack (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 2025-09-17 (the “Registration Date”).

Domain Name: oakcreekgolf.ca
26123-CDRP

5. 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 November 10, 2025.
6. The Registrant failed to file response to date.
7. The Complainant in this administrative proceeding has elected for a Panel consisting of a single member.
8. CIIDRC appointed Richard Levy, as a single-member Panel.
9. The undersigned determines that he has been properly appointed and constituted as the Single Member Panel to determine the Complaint in accordance with the Rules.

2.0. CANADIAN PRESENCE AND TECHNICAL REQUIREMENTS

10. Section 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, version 1.3 (“CPR.”), unless the Complaint relates to a trademark registered in the Canadian Intellectual Property Office (“CIPO”) and the Complainant is the owner of that trademark.
11. Complainant satisfies the Canadian Presence Requirement as it is a limited partnership organized and operating under the laws of the Province of Alberta, Canada, with its principal place of business located at 3816 – 64 Avenue SE, Calgary, Alberta, T2C 2B4.
12. The Panel therefore determines that the Complainant has satisfied the provisions of section 1.4 of the Policy. Based upon the information provided by CIIDRC and the Complainant in the Complaint, the Panel finds that all technical requirements for the prosecution of this proceeding have been met.

3.0. FACTS ALLEGED BY THE PARTIES AND REMEDIES SOUGHT

3.1 Complainant

13. **Domain name registration.** The disputed Domain Name was registered on 2025-09-17 with registrar, Go Get Canada Domain Registrar Ltd., the URL of which is <https://www.namecheap.com>
14. **Trademark Rights.** The Complainant relies on its rights in the unregistered common law mark **Oakcreek Golf** and trade name **Oakcreek Golf & Turf** as the basis for this Complaint. Complainant has used this mark and trade name continuously in Canada since 1969, in

connection with the sale, distribution, and servicing of golf courses and turf maintenance equipment, irrigation systems, and related products and services.

15. Complainant has used the domain name **oakcreekgolf.com** in Canada since it was registered on September 19, 2002. Complainant registered its Limited Partnership with the Alberta government, on January 24, 2013. On March 5, 2013, a company affiliated with Complainant amended its Canadian corporation name to **Oakcreek Golf & Turf GP Inc.**
16. Through over five decades of continuous use, extensive customer relationships, and long-standing operation, the Complainant has established substantial goodwill and reputation in the mark "Oakcreek Golf & Turf." The public associates the words "Oakcreek Golf" and "Oakcreek Golf & Turf" exclusively with the Complainant's Canadian business.
17. **Complainant's Business.** Complainant's business has consisted of and consists of the sale, distribution, and servicing of golf course and turf maintenance equipment, irrigation systems, and related products and services. It is located at 3816 64th Avenue SE Calgary, Alberta, T2C 2B4, Canada
18. **Complainant's Website.** Complainant's website is located at **oakcreekgolf.com** and promotes Complainant's products and services. This website is active.
19. **Registrant's Website.** This website is located at the Domain Name. Complainant did not provide any information as to whether the Domain Name was ever active.

3.2 Registrant

20. As was noted above, Registrant has not filed a Response.

4.0 CONTENTIONS OF THE PARTIES

4.1 Complainant

21. **Confusingly similar.** Complainant submits that the Domain Name oakcreekgolf.ca is confusingly similar to the Complainant's long-established trademark Oakcreek Golf, its domain name oakcreekgolf.com and its trade name Oakcreek Golf & Turf. Complaint states that the only difference between the two domain names is the top-level domain (.ca versus .com).
22. Complainant submits that this similarity creates a strong likelihood of confusion among Internet users and the Complainant's customers, many of whom assume that **oakcreekgolf.ca** is its Canadian domain.

23. **Legitimate interest.** Complainant submits that Registrant has no legitimate interest in the Domain Name, in accordance with paragraph 3.1(b) of the Policy.

24. Complainant submits that the Registrant, Michael Stack, is not associated with, affiliated with, or authorized by the Complainant in any way. The Complainant has not granted the Registrant permission to use its name, trade name, or branding.

25. Complainant submits that the Registrant has no rights in the mark "Oakcreek" or "Oakcreek Golf", that the Domain Name has not been used in connection with any bona fide offering of goods or services by the Registrant, and that there is no evidence that the Registrant is commonly known by the name "Oakcreek Golf."

26. **Bad faith registration.** The Complainant contends that Registrant's actions constitute bad faith under Paragraph 3.5(d) of the CIRA Domain Name Dispute Resolution Policy, which states that bad faith includes: "the Registrant intentionally attempting 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."

27. The Complainant submits evidence of the bad faith of the Registrant, which includes:

- Fraudulent communications:** The Registrant has used email addresses that include *(name)*@oakcreekgolf.ca to send fake invoices and fraudulent EFT banking details to the Complainant's customers.
- Impersonation of employees:** The emails from *(name)*@oakcreekgolf.ca imitated the names of members of Oakcreek's Accounts Receivable team and one of its sales representatives, Thad Klassen i.e., klassent@oakcreekgolf.ca
- Copying of official materials:** The format and layout of the Complainant's legitimate invoices and email templates were duplicated to deceive customers.
- Actual harm:** At least one customer of Complainant was deceived and made payment to the fraudulent bank account associated with these communications.

28. The Complainant contends the Registrant is in the United States and has no connection to Canada, and yet registered a .ca domain—further evidence of intent to mislead Canadian customers.

29. **Precedents.** The Complainant relies on the reasoning and findings of prior CIRA decisions that have held that registering a confusingly similar .ca domain name for fraudulent or

deceptive purposes constitutes bad faith registration and evidences no legitimate interest under the CDRP. Relevant and persuasive decisions include:

- *Government of Canada v. Jonathan Dahan*, CIRA Decision No. 00383 (2020) – The Panel found bad faith where the registrant used a domain to impersonate a government agency and mislead the public.
- *WestJet Airlines Ltd. v. Whois Privacy Protection Service Inc. / Ross McMillan*, CIRA Decision No. 00318 (2018) – The Panel held that using a confusingly similar domain for phishing emails constituted bad faith under paragraph 3.5(d) of the Policy.
- *Canada Post Corporation v. D. Granger*, CIRA Decision No. 00179 (2012) – The Panel found that using a domain name to mislead consumers into believing they were dealing with the complainant established both confusing similarity and bad faith.
- *SNC-Lavalin Group Inc. v. David Snell*, CIRA Decision No. 00351 (2019) – The Panel ordered transfer where the registrant registered a domain similar to the complainant's name and used it to send fraudulent correspondence, holding that such conduct was "the clearest possible case of bad faith."

30. **Remedy sought**. The Complainant requests that the Domain Name be transferred to it pursuant to paragraph 4.3 of the Policy.

4.2 Registrant

31. As was noted above, the Registrant has not filed a Response.

5.0 DISCUSSION AND FINDINGS

5.1 Eligibility

32. As indicated in 2.0 above, Complainant is an eligible complainant under Section 1.4 of the CDRP.

5.2 Requirements

33. In accordance with Paragraph 4.1 of the CDRP, Complainant must prove, on a balance of probabilities:

- (a) That the Registrant's dot ca (.ca) 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, as described in paragraph 3.3 of the Policy:

Domain Name: oakcreekgolf.ca
26123-CDRP

- (b) That the Registrant has registered the Domain Name in **bad faith**, as described in paragraph 3.5 of the Policy; and
- (c) That the Registrant has **no legitimate interest** in the Domain Name, as described in paragraph 3.4 of the Policy, Complainant having the initial onus of providing *some* evidence of this element.

If the Complainant is unable to satisfy its onus and provide the required proof, the Complaint fails. The Panel will consider each of these requirements in turn.

5.3 Analysis

5.3.1 That the Domain Name is Confusingly Similar to a Mark - in which the Complainant had Rights - prior to registration of the Domain Name - and continues to have such Rights.

- 34. The test for determining whether a domain name is “Confusingly Similar” to a Mark is set out in paragraph 3.3 of the Policy, which requires that the Panel “only consider whether the domain name so nearly resembles the Mark in appearance, sound or ideas suggested by the Mark as to be likely to be mistaken for the Mark.” (*emphasis added*) This test differs in many ways from the test of confusion under the *Trademarks Act*.
- 35. For the reasons given in the contentions of the Complainant above, the panel has determined that OAKCREEK and OAKCREEK GOLF & TURF are Marks, that Complainant had Rights in these Marks well before registration of the disputed Domain Name and continues to have such rights and that the Domain Name is Confusingly Similar to the Mark.
- 36. Therefore, the Panel finds that Complainant has proven this first element.

5.3.2 That the Registrant has No Legitimate Interest in the Domain Name

- 37 Paragraph 4.1 of the Policy requires that, to succeed in the Complaint, Complainant must provide *some* evidence that Registrant has no legitimate interest in the Domain Names, as described in paragraph 3.4.
- 38 Paragraphs 3.4 (a) through (d) require that a Registrant with a legitimate interest be acting in good faith. Good faith on the part of Registrant is negated by Registrant attempting to pass itself off as Complainant to deceive clients of Complainant.
- 39 Paragraphs 3.4 (e) and (f), when applied to this matter, do not provide Registrant with a legitimate interest in the Domain Name.

40 The following precedents, in addition to those cited by Complainant above, support the Complainant's contentions:

- *DK Crown Holdings Inc. v. Unknown*, 24697-CDRP (CIIDRC 2025) (finding "sufficient evidence to show that the Registrant has no rights or legitimate interests in the disputed domain name" where the domain was used to impersonate the mark holder in furtherance of apparent fraud);
- WIPO Overview 3.0, [S]ection 2.13.1 ("[T]he use of a domain name for illegal activity[,] [such as] [...] impersonation/passing off, or other types of fraud[,] can never confer rights or legitimate interests on a respondent.")

41 The Panel finds that the Complainant has provided sufficient evidence that the Registrant has no legitimate interest in the Domain Name and has therefore met its onus. As Registrant did not contest these proceedings, the Panel finds that Complainant has proven this second element.

5.3.3 That the Registrant has Registered the Domain Name in Bad Faith

51. Only in rare cases will there be direct evidence of a registration in bad faith. In most cases, as case law attests, such a finding is based on "common sense inferences from the registrant's conduct and other surrounding circumstances."

52. Under paragraph 3.5 of the Policy, Registrant will be considered to have registered the Domain Name in bad faith if Complainant can demonstrate that Registrant, in effecting the registration of the Domain Name, was motivated by any one of the four intentions set out in that paragraph. The paragraph also stipulates that these particular circumstances are "without limitation."

53. The Panel finds, upon the evidence before it, that Registrant, in using the confusingly similar Domain Name in email addresses to both impersonate Complainant and impersonate specific identified employees of Complainant misrepresented to customers of Complainant that they were interacting with Complainant and was doing so for malicious purposes. This constitutes evidence of bad faith very shortly after the registration of the Domain Name.

54. Accordingly, the Panel finds that Registrant has registered the Domain Name in bad faith and that Complainant has proven the third required element of the Policy.

55. In summary, the Panel finds that Complainant has proven the three required elements of the Policy.

6.0 DECISION AND ORDER

56. The Panel therefore 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, namely that the Domain Name be transferred to it pursuant to paragraph 4.3 of the Policy.
57. For the above reasons, in accordance with paragraph 4 of the CDRP, and paragraph 12 of the Resolution Rules, the Panel orders that the Domain Name **oakcreekgolf.ca** be transferred to Complainant.

Dated: December 22, 2025



Signed: Richard S. Levy

