CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	26482-UDRP	Decision date: February 18, 2026
Domain Name(s):	**farwestvic.com**	
Panel:	**Duarte G. Henriques**	
Complainant:	**First Transit Canada Inc.**	
Respondent:	**Mykhailo Muzyka**	

1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel:

1. On January 8, 2026, Drew Martin, on behalf of the Complainant, filed a Complaint vial online platform pursuant to the UDRP and the UDRP Rules via online platform. The required fee was paid on January 9, 2026.
2. On January 9, 2026, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, and the Registrar responded advising of the identity of the Respondent and providing the above contact details. In addition, the Registrar confirmed that the disputed domain name was placed in a Registrar LOCK.
3. On January 13, 2026, CIIDRC confirmed compliance of the Complaint and commencement of the dispute resolution process.
4. On January 13, 2026, pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Complaint to the Respondent.
5. The deadline for submitting a Response was set for February 2, 2026.
6. The Respondent has failed to file its response to date.
7. The Complainant in this administrative proceeding has elected for a Panel consisting of a single member. The required Panel fee deposit was received on February 9, 2026.

8. In accordance with Rule 5 (d), CIIDRC appointed the undersigned as a single member Panel in the above-referenced matter.

The Domain Name was first registered on October 25, 2001. Respondent registered the disputed Web Domain Name, in his own name, in December 2025.

This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) of the Internet Corporation for Assigned Names and Numbers (ICANN).

2. FACTS ALLEGED BY THE PARTIES

9. The Complainant, First Transit Canada Inc. (First Transit), is a subsidiary of Transdev Canada Inc. and a global provider of public transportation services operating in multiple jurisdictions, including Victoria, British Columbia.
10. Through a series of corporate acquisitions, First Transit acquired Far West Bus Transportation and its associated goodwill, operations, and online assets, including the domain name farwestvic.com, which has been in continuous use for more than twenty (20) years.
11. The domain farwestvic.com was historically used in connection with public transit and specialized transportation services in Victoria, including HandyDART registration and application intake for persons with disabilities.
12. The domain and associated email services were relied upon by members of the public to access essential transportation services.
13. In July 2025, the Complainant initiated efforts to migrate legacy services from the farwestvic.com domain to the transdev.com domain.
14. While some services were successfully transitioned, certain legacy workflows—specifically an email address and a fax-to-email process used for HandyDART applications—remained active during the transition period.
15. Due to an administrative oversight involving an outdated billing contact associated with a former parent company, renewal notices for the domain were not received by the Complainant.
16. As a result, the domain lapsed and was subsequently registered by the Respondent in December 2025.
17. Immediately following registration, the Respondent reconfigured authoritative DNS and email records and deployed a website secured with a TLS/SSL certificate bearing the Common Name "farwestvic.com," thereby impersonating the Complainant's longstanding online presence.
18. This conduct caused emails and faxed applications intended for the Complainant's HandyDART service to be diverted to infrastructure controlled by the Respondent.
19. Between approximately December 10, 2025 and January 30, 2026, the Complainant estimates that between forty-five (45) and sixty (60) applications containing sensitive personal information were misdirected as a result of the Respondent's actions.

20. The Respondent has no relationship with the Complainant and no legitimate connection to the name "Far West" or "Far West Victoria."
21. The Respondent's use of the disputed domain name has caused confusion among the public, disrupted the Complainant's operations, and exposed vulnerable individuals to privacy and identity theft risks.
22. As a mitigation measure, the Complainant has been required to notify affected individuals and offer credit monitoring services.
23. The Respondent's registration and use of the disputed domain name has therefore had a direct and harmful impact on the Complainant's business, reputation, and ability to deliver essential public transportation services.

3. CONTENTIONS OF THE PARTIES

- **Complainant**

24. The Complainant asserts that it holds enforceable common-law trademark and service mark rights in the names "Far West" and "Far West Victoria," arising from more than twenty (20) years of continuous and exclusive use in connection with public transportation services in Victoria, British Columbia, including HandyDART services for persons with disabilities.
25. The Complainant submits that the disputed domain name, farwestvic.com, is identical to its common-law mark "Far West Victoria." The domain name wholly incorporates the mark without alteration, and the addition of the generic Top-Level Domain (".com") is irrelevant for purposes of assessing identity or confusing similarity under the Policy.
26. The Complainant further contends that, through long-standing use, the marks have acquired distinctiveness and goodwill and are uniquely associated by members of the public with the Complainant's transportation services.
27. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.
28. The Respondent is not commonly known by the name "Far West" or "Far West Victoria," has not acquired any trademark or service mark rights in those names, and has no relationship with or authorization from the Complainant.
29. The Complainant further submits that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. Instead, immediately following registration of the domain name in December 2025, the Respondent reconfigured the authoritative DNS and email records and deployed website and email infrastructure designed to impersonate the Complainant's longstanding public transportation services.
30. According to the Complainant, the Respondent's conduct resulted in the diversion and interception of emails and faxed applications intended for the Complainant's HandyDART services, including communications containing sensitive personal information. The Complainant submits that such use cannot constitute legitimate non-commercial or fair use within the meaning of paragraph 4(c) of the Policy.

31. Accordingly, the Complainant maintains that none of the circumstances capable of demonstrating rights or legitimate interests under paragraph 4(c) of the Policy are present.
32. The Complainant submits that the disputed domain name was registered and is being used in bad faith.
33. The domain name had been in continuous use by the Complainant and its predecessors for more than twenty (20) years before it lapsed due to an administrative oversight. The Respondent registered the disputed domain name immediately following that lapse in December 2025.
34. The Complainant argues that the timing of the registration demonstrates that the Respondent was aware of the Complainant's longstanding rights in the "Far West" and "Far West Victoria" names.
35. The Complainant further contends that the Respondent's subsequent actions—reconfiguring DNS and mail exchange records, deploying a website secured by a TLS/SSL certificate bearing the Common Name "farwestvic.com," and diverting communications intended for the Complainant—constitute intentional conduct designed to create a likelihood of confusion as to source, sponsorship, affiliation, or endorsement.
36. The Complainant submits that this conduct falls squarely within paragraph 4(b)(iv) of the Policy, as the Respondent intentionally attempted to attract Internet users for improper gain by creating confusion with the Complainant's mark. The diversion of communications containing sensitive personal information, the disruption of essential public transportation services, and the continued misuse of the domain name further demonstrate bad faith registration and use.
37. The Complainant therefore requests that the disputed domain name be transferred to it.

- **Respondent**

38. The Respondent did not file a Response in this proceeding.

- **Remedy Sought**

39. The Complainant requests the Domain Name be transferred to it.

4. DISCUSSION AND FINDINGS

4.1 Requirements

40. According to the Rules for Uniform Domain Name Dispute Resolution Policy (Art. 4) "Any person or entity may initiate an administrative proceeding by submitting a complaint in accordance with the Policy and these Rules to any Provider approved by ICANN". The complaint may envisage the transfer of ownership of the domain name from the current registered owner to the Complainant provided that the following requirements are met (and the onus is on the Complainant to prove that)
    1. the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights:
    2. the Respondent has no rights or legitimate interests in respect of the Domain Name; and

3. the Domain Name has been registered and is being used in bad faith.

41. The Panel will consider each of these requirements in turn.

42. Before moving to the requirements set out above, it should be stressed that, according to UDRP Rule 5(f), the Panel may decide the dispute based upon the complaint whenever the Respondent does not reply to the complaint, unless there are "exceptional circumstances". Given that Respondent did not file its response and that this Panel does not see any "exceptional circumstance" to decide otherwise, this Panel will decide the claim based upon the complaint.

4.2 Analysis

4.2.1 The Domain Name is Identical or Confusingly Similar to a Mark in which the Complainant has Rights

43. The first element of paragraph 4(a) of the Policy requires the Complainant to establish (i) rights in a trademark or service mark, and (ii) that the disputed domain name is identical or confusingly similar to that mark.

44. The Complainant relies on common-law trademark and service mark rights in the names "Far West" and "Far West Victoria," which it has used continuously for more than twenty (20) years in connection with public transportation services in Victoria, British Columbia, including HandyDART services for persons with disabilities.

45. Under the Policy, registered trademark rights are not required; common-law rights may suffice where the complainant demonstrates that the mark has acquired distinctiveness through long-standing and exclusive use.

46. The evidence before the Panel shows continuous commercial use of the names in connection with essential public transportation services, as well as their association with domain-based communications and application intake processes.

47. The long-standing and exclusive use of the mark in connection with essential public transportation services, coupled with public reliance on the associated domain name and email services, is sufficient to establish acquired distinctiveness and secondary meaning under the Policy

48. The Panel is satisfied that the Complainant has established enforceable common-law rights in the mark "Far West Victoria."

49. In any event, it should be noted that the disputed domain name is farwestvic.com, whereas the Complainant's common-law mark is "Far West Victoria."

50. Although the domain name does not reproduce the word "Victoria" in full, the Panel finds that the abbreviation "vic" is a commonly understood and widely used shorthand for "Victoria," particularly in geographic and business contexts.

51. In this case, the Complainant's services are tied to Victoria, British Columbia, and the domain name had historically been used by the Complainant itself for more than twenty (20) years in connection with those services.

52. Under well-established UDRP jurisprudence, a domain name need not reproduce a mark verbatim to be considered confusingly similar. Minor abbreviations, truncations, or omissions that do not materially alter the overall impression of the mark are generally insufficient to avoid confusing similarity. What matters is whether the mark remains recognizable within the domain name.
53. On the other hand, the omission of spacing between words and the addition of the generic Top-Level Domain ".com" are technically required elements of a domain name and are disregarded for purposes of comparison under the Policy.
54. Accordingly, the Panel finds that, even if not strictly identical in a literal sense, the disputed domain name is, at the very least, confusingly similar to the Complainant's mark within the meaning of paragraph 4(a)(i) of the Policy.
55. The first requirement of paragraph 4(a) of the Policy is therefore satisfied.

4.2.2 Rights or Legitimate Interests in respect of the Domain Name

56. Under paragraph 4(a)(ii) of the Policy, the Complainant must establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.
57. Paragraph 4(c) of the Policy sets out non-exhaustive circumstances by which a respondent may demonstrate rights or legitimate interests, including use in connection with a bona fide offering of goods or services, being commonly known by the domain name, or making legitimate non-commercial or fair use of the domain name.
58. Indeed, according to paragraph 4(c) of the Policy, the presence of any of the following circumstances could demonstrate that the Respondent has rights or legitimate interests in respect of the disputed domain name:

    i. Before any notice to the Respondent of the dispute, there is any evidence of the Respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;

    ii. Whether the Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; and

    iii. Whether the Respondent is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue.

59. The Complainant has stated that the Respondent has no affiliation with it, has not been authorized to use its marks, and is not commonly known by the name "Far West" or "Far West Victoria."
60. There is no evidence before the Panel that the Respondent holds any trademark or other intellectual property rights in that name.
61. The evidence indicates that, immediately following registration in December 2025, the Respondent reconfigured the DNS and email records of the disputed domain name and deployed infrastructure that diverted communications intended for the Complainant's transportation services.

62. Such conduct, including impersonation and interception of communications containing sensitive personal information, cannot constitute a bona fide offering of goods or services nor legitimate non-commercial or fair use.
63. In the absence of any Response or contrary evidence, the Panel concludes that the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name, and that this showing has not been rebutted.
64. The second requirement of paragraph 4(a) of the Policy is therefore satisfied.

4.2.3 Registration and Use of the Domain Name in Bad Faith

65. Under paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name was registered and is being used in bad faith.
66. Paragraph 4(b) of the Policy provides non-exhaustive examples of circumstances constituting evidence of bad faith, including where a domain name is registered and used to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation, or endorsement.
67. The record shows that the disputed domain name had been used for more than twenty (20) years by the Complainant and its predecessors before it lapsed due to an administrative oversight.
68. The Respondent registered the domain name immediately following its lapse in December 2025.
69. Given the long-standing and public use of the domain name in connection with essential public transportation services, and the Respondent's immediate reconfiguration of DNS and email services after registration, the Panel finds it more likely than not that the Respondent was aware of the Complainant and its rights at the time of registration.
70. The Respondent's subsequent conduct—deploying a website secured with a TLS/SSL certificate bearing the disputed domain name and diverting communications intended for the Complainant, including applications containing sensitive personal information—demonstrates intentional conduct designed to create confusion as to source and affiliation.
71. Such conduct falls squarely within paragraph 4(b)(iv) of the Policy.
72. It also evidences disruption of the Complainant's business and misuse of the domain name in a manner incompatible with good faith.
73. In the absence of any explanation from the Respondent, and based on the totality of the circumstances, the Panel concludes that the disputed domain name was registered and is being used in bad faith.
74. The third requirement of paragraph 4(a) of the Policy is therefore satisfied.

5. 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 <farwestvic.com> be transferred to the Complainant in these proceedings.

Made as of February 18, 2026

SIGNATURE OF PANEL