



CANADIAN INTERNATIONAL DISPUTE RESOLUTION CENTRE
DOMAIN NAME DISPUTE
ADMINISTRATIVE PANEL
DECISION

CIIDRC case number:	26530-CDRP	Decision date: February 26, 2026
Domain Name:	<autotempest.ca>	
Panel:	Brian Gray (Chair), Robert Fashler, FCIArb., Leslie Maerov, FCIArb.	
Complainant:	Tempest Systems Inc.	
Registrant:	Hugh Hu / VIGS ONLINE SOLUTIONS INC.	

1. OVERVIEW

This matter concerns the registered domain, autotempest.ca (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 was set out in a letter from CIIDRC to the Panel dated February 13, 2026.

The particulars of the case are as follows:

1. On January 20, 2026, Mr. Nathan Stretch filed a Complaint on behalf of the Complainant, Tempest Systems Inc. pursuant to the CDRP and the Resolution Rules. The Complaint was in administrative compliance with CIRA's requirements under Rule 3.2.
2. On February 2, 2026, CIRA was notified of this proceeding and CIRA transmitted by email to CIIDRC its verification response informing that the Registrant of the Disputed Domain Name is Hugh Hu / VIGS ONLINE SOLUTIONS INC. (the "Registrant"). CIRA also confirmed that the disputed domain name was

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placed on a Registrar LOCK and that the Domain Name has a Registration Date of 2023-07-05 (the "Registration Date").

4. 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 February 3, 2026.

5. On February 4, 2026, the Registrant filed his Response to the Complaint.

Panel Appointment

6. CIIDRC names Robert Fashler, FCIArb. and Leslie Maerov, FCIArb., as panelists. Brian Gray FCIArb is named as Chair of the Panel. Each of the panelists has submitted a statement of impartiality and independence as required under Paragraph 7 of the Resolution Rules.

The Domain Name was registered on 2023-07-05.

3. FACTS

The Complainant owns and operates "AutoTempest," a search engine for locating automobiles for sale and a marketplace aggregator in North America. The Complainant has served consumers in Canada and the U.S. since 2010 through its primary website, autotempest.com.

The Complainant registered its trademark AUTO TEMPEST in the United States in 2013. It filed to register the trademark AUTOTEMPEST in Canada on November 25, 2020, but the trademark was not actually registered until February 3, 2025. The Canadian trademark is registered for the following services (1) providing a searchable online advertising guide featuring the goods and services of other on-line vendors on the internet. (2) Providing a searchable list of motor vehicles for sale by others via a website; Providing information and advice related to buying selling, and owning motor vehicles;

The Respondent registered the domain name autotempest.ca on July 5, 2023. The domain resolves to a "For Sale" landing page on the marketplace Atom.com, listing the domain for \$5,950 USD.

4. CONTENTIONS OF THE PARTIES

• Complainant

The Complainant submits that the Registrant's holding of autotempest.ca creates immediate consumer confusion. Canadian users seeking the Complainant's services generally expect the .ca equivalent of the Complainant's established.com brand to be affiliated with the Complainant.

The Complainant further submits that The Registrant has no legitimate interest in the disputed domain name under Paragraph 3.4 of the Policy for the following reasons:

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First, the Complainant has not licensed or authorized the Registrant to use the registered trademark AUTOTEMPEST.

Second, there is no evidence that the Registrant is commonly known by the name “autotempest” as a business or individual.

Third, the Registrant is not making any legitimate non-commercial or other good faith use of the domain. As shown in Annex 8, the domain resolves to a “For Sale” landing page on the marketplace Atom.com, listing the domain for \$5,950 USD. In the Complainant’s view, this listing confirms that the Registrant is holding the domain primarily for the purpose of selling it for valuable consideration in excess of out-of-pocket costs, rather than for any *bona fide* offering of goods or services. The Complainant further submits that the high sale price and lack of active use negate any claim of legitimate interest.

The Complainant further submits that the Registrant registered the domain name in bad faith in violation of Paragraph 3.5 of the Policy for the following reasons:

- **Intent to Sell:** The Registrant has listed the domain for sale on Atom.com for \$5,950 USD. This price greatly exceeds the Registrant’s out-of-pocket costs. Under Paragraph 3.5(a) of the Policy, registering a domain primarily for the purpose of selling it to the Complainant or a competitor for valuable consideration in excess of out-of-pocket costs is explicit evidence of bad faith.
- The Complainant submits that ‘AutoTempest’ is a coined term with no generic meaning and in the Complainant’s submission, the Complainant or a competitor are the only practical targets for a sale at this price point. A general offer to the public for such a unique mark is effectively a targeted offer to the Complainant or a competitor.
- The Complainant submits that the Complainant’s mark “AutoTempest” is famous in the automotive industry. Prior to the registration of the disputed domain, the Complainant had already established a massive following, acting as a title sponsor for major media properties including Car Trek and VINwiki, and appearing regularly in publications like Road & Track and Jalopnik.
- Given this widespread notoriety, the Complainant submits that it is implausible that the Registrant coined the identical term “autotempest” by coincidence.

- **Registrant**

The Registrant asserts that it registered the disputed domain name in 2023—years before the Complainant established any registered trademark rights in Canada. The Respondent asserts that it cannot be held to have constructive notice of a trademark that did not exist on the register at the time.

The Respondent asserts that the Registrant had a negligible Canadian Presence in that the data shows only ~10,909 active users from Canada. From this the Respondent claims that the Complainant cannot be considered famous. The Respondent asserts that the Complainant is a predominantly US-centric business and that the Respondent had no knowledge of this brand when registering the disputed domain name in 2023.

The Respondent asserts that the social media evidence of the Complainant is from 2012, old and mostly related to US sites.

The Respondent contends that the Domain Name consists solely of two common dictionary words: "Auto" (Automobile) and "Tempest" (Storm) and asserts that investing in domain names composed of generic or descriptive terms for their inherent lexical value is a recognized and legitimate commercial activity. The Respondent points to a number of "Tempest Domains" and asserts that "Tempest" is a widely used generic keyword in commerce.

Respondent asserts that it is offering the domain to the general public based on its generic appeal, which constitutes a bona fide offering. The Respondent asserts that it did not target the Complainant and did not contact the Complainant to sell the domain name. The Respondent asserts that the disputed domain name was simply listed on the Atom marketplace, a third-party platform open to the general public.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to it.

DISCUSSION AND FINDINGS

4.1 Eligibility

The Complainant is a company incorporated under the laws of British Columbia and validly subsisting as of the date of this Complaint and as such satisfies CIRA's Canadian Presence Requirements for Registrants under paragraph 1.4 of the CDRP.

4.2 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.

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The Panel will consider each of these requirements in turn.

4.3 Analysis

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

CIRA Policy 3.2 defines "Mark" inter alia as "(a) a trade-mark... or a trade name that has been used in Canada by a person for the purpose of distinguishing the wares, services or business of that person ..."

The Complainant demonstrates that it has used the common law trademark or tradename AUTOTEMPEST in Canada and that such use long precedes the Registrant's registration of the disputed domain name.

AUTOTEMPEST has been used as a Mark in Canada since 2010. The Complainant has prior rights. The Trademark was not registered until February 3, 2025 but the application was made on November 25, 2020, well before the registration of the disputed domain name on July 5, 2023. Applications are as publicly available as registrations and could easily be found by the Respondent. The evidence of use in Canada is not as extensive as the panel would have wished. It is not clear the trademark was "famous" or that the exposure was "massive" as the Complainant alleges. However, it is clear that in the trademark and trade name AUTOTEMPEST was in use for both US and Canadian customers looking for used cars and reasonably well known.

The CIRA Policy 3.3 provides: "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.

The domain name incorporates the Complainant's mark in its entirety. The only difference is the addition of the country code top-level domain ".ca". It has long been established that the country code should be disregarded when determining the issue of confusion.

Therefore, the panel finds that the Complainant has established that the disputed domain name is confusingly similar to a Mark in which the Complainant has prior Rights.

5.3.2 Whether the Registrant registered the Domain Name in Bad Faith

Under paragraph 3.1 (c), the Complainant must show that the Registrant has registered the domain name in bad faith as described in paragraph 3.5. For the purposes of paragraphs 3.1(c) and 4.1 (b) of the Policy any one of the circumstances set out in paragraph 3.5, if found by the Panel to be present, shall be evidence that a Registrant has registered a domain name in bad faith.

For the purpose of this element, it is sufficient to focus on paragraph 3.5 (a). The Registrant has admitted that it has registered the Disputed Domain Name autotempest.ca in hopes of selling it. It has simply been "parked" on a marketplace site. The autotempest.ca is the .ca equivalent of the autotempest.com that was in use in Canada and

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reasonably well know in Canada. In addition, a prior application to register the trademark AUTOTEMPEST had already been filed before the Registrant's registration of autotempest.ca.

The panel agrees with the following statement from dalkia.ca 16873 CDRP as follows:

"Paragraph 4.1(b) of the Policy is satisfied when Complainant demonstrates, by a balance of probabilities, that the Registrant registered the domain name in bad faith. Inherently prerequisite to a finding of bad faith is some attribution of knowledge of a complainant's trademark, whether actual or based upon a conclusion that a respondent should have known of the mark. *See, Domain Name Arbitration*, 4.02-C (Gerald M. Levine, Legal Corner Press, 2nd ed. 2019) ("Knowledge and Targeting Are Prerequisites to Finding Bad Faith Registration"); *USA Video Interactive Corporation v. B.G. Enterprises*, D2000-1052 (WIPO Dec. 13, 2000)."

Here the Registrant asserts that it had never heard of the Respondent or its domain name and had adopted its identical .ca domain name seemingly for its inherent lexical properties. This assertion lacks credibility where a prior application for the Mark AUTOTEMPEST is pending in the Canadian trademark office, a US registration for AUTO TEMPEST has issued, and perhaps most importantly of all, the reasonably extensive use of the domain name www.autotempest.com in respect of a business in Canada.

The .com and .ca are separate registrations and the possession of one should not, of itself, bar the ability for a different person to acquire the other in good faith for a different business. However, here the autotempest.com domain name is in use in Canada among Canadian customers. There is no reason for picking the coined term autotempest.ca except to target the owner of the autotempest.com domain name. The conclusion is inescapable that the Respondent know about the AUTOTEMPEST trademark that was used and pending registration in Canada and knew about the use of autotempest.com by Canadian customers. It is the Panel's view that the Registrant adopted the domain name on the theory that the owner of the autotempest.com domain name already operating in Canada under the identical domain would pay to acquire the .ca name. The Registrant has targeted the Complainant's business. The Registrant registered the domain name primarily for the purpose of selling it to the Complainant or a competitor of the Complainant in excess of the Registrant's actual costs. The Registrant has 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

To succeed on this ground the Complainant must provide some evidence that the Registrant has no legitimate interest in the Disputed Domain Name, pursuant to paragraph 3.1(b) of the CDRP. The Registrant has a legitimate interest if any of the factors set forth in paragraph 3.4 of the CDRP are proven.

With respect to paragraph 3.4(a), the Panel agrees that the evidence shows that the Registrant has no rights in the AUTOTEMPEST Trademark, nor (as set out above) has Registrant used this mark in good faith.

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Paragraph 3.4, subparagraphs (a) - (d) all require "good faith". As the Panel has found that Respondent acted in bad faith, the Respondent cannot demonstrate a legitimate interest under these subparagraphs. Respondent's assertion that the domain name is merely generic or descriptive is incorrect. Clearly, AUTOTEMPEST is inherently distinctive.

Subparagraphs (e) and (f) do not apply as the domain name autotempest.ca is not the legal name of the Respondent or a name under which it is identified and not a geographical name.

Therefore, the Panel finds that the Registrant has no legitimate interest in the domain name autotempest.ca.

6 DECISION and ORDER

Decision

The Panel finds that the Complainant has satisfied its onus by demonstrating that the Mark qualifies as a Mark in accordance with Paragraph 3.2 of the Policy; that the Domain Name is Confusingly Similar to the Mark, over which the Complainant has prior rights; and that the Registrant has registered the Domain Name in bad faith in accordance with the provisions of Paragraph 3.5 of the Policy.

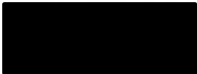
The Panel also finds that the Complainant has shown evidence that demonstrates that the Registrant does not have a legitimate interest in the Domain Name in accordance with the provisions of Paragraph 3.4 of the Policy.

Order

For the above reasons, in accordance with Paragraph 4 of the Policy and Paragraph 12 of the Rules, the Panel orders that the Domain Name autotempest.ca be transferred to the Complainant.

Deemed made at Vancouver, Canada February 26th, 2025

Signature of Panel



Brian W Gray FCIArb



Leslie Maerov (Panelist)



Robert A. Fashler (Panelist)

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