



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

CIIDRC case number:	<b>26405-CDRP</b>	Decision date: February 28, 2026
Domain Name:	<b>fostergrant.ca</b>	
Panel:	<b>Claude Freeman</b>	
Complainant:	<b>FGX International Inc.</b>	
Registrant:	<b>Echo Brand Management Ltd.</b>	

## OVERVIEW

This matter concerns a registered domain, <**fostergrant.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").

## 1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from CIIDRC to the Panel dated February 17, 2026, the particulars of which are as follows:

1. On December 22, 2025, **Markus Rouveinen** filed a Complaint on behalf of **FGX International Inc.**, pursuant to the CDRP and the Resolution Rules. The required commencement fee was paid on December 28, 2025. The complaint was in administrative compliance with CIRA's requirements under Rule 3.2.
2. On January 6, 2026, CIRA transmitted by email to CIIDRC its verification response informing that the registrant of the Disputed Domain Name is Echo Brand Management Ltd. (the "Registrant").

CIIRA also confirmed that the disputed domain name was placed on a Registrar LOCK and that the Domain Name has a Registration Date of 2017-05-19 (the "Registration Date").

3. 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 January 13, 2026.
4. The Registrant failed to file a response to date.
5. The Complainant in this administrative proceeding has elected for a Panel consisting of a single member.
6. The Complaint deposited the required Panel fee on February 13, 2026.

The Complaint is submitted in English, and the correspondence is in English, which therefore includes this proceeding.

## 2. FACTS

### Complainant

The complainant, FGX International Inc., is a U.S. based member of the EssilorLuxottica Group, the world's largest eyewear manufacturer – the Complainant is the largest non-prescription reading glasses company in the United States. Pre-eminent within the Complainant's offering is the FOSTER GRANT brand of sunglasses, reading glasses, blue light glasses and others, which was first founded in 1919, over 100 years ago. While initially specialized in manufacturing plastic hair accessories, starting from the 1920's, FOSTER GRANT transitioned into making plastic sunglasses, and in the 1960's and 1970's the brand gained widespread attention in the U.S. and worldwide due to its advertising campaigns featuring a large number of Hollywood actors and actresses. Given the deep links between the Canadian and U.S. economies the FOSTER GRANT brand's development and recognition in Canada has mirrored that of the U.S. The FOSTER GRANT brand has been registered and protected in Canada since the 1970's, notably through the trademark registrations referenced and submitted with this Complaint.

The Respondent, Echo Brand Management Ltd., is a Canadian company based in Vancouver, BC. Based on the information displayed on the Respondent's official website, echobrands.com, the Respondent is a distributor of collectible cards with over 25 years of experience and a dedicated platform. The Respondent does not seem to be active in any other business, and the collectible card brands they carry seem limited to Pokemon, Upper Deck, Magic: The Gathering, Yu-Gi-Oh!, Topps, Ultra Pro, and Panini. The Complainant is not aware of the existence of any link between the Respondent company and FOSTER GRANT.

Upon discovering the existence of the disputed domain during the course of a recent review of domain name registrations corresponding to the FOSTER GRANT mark, the Complainant initially approached the Respondent on May 21<sup>st</sup>, 2025, by sending them, through their representative, a cease-and-desist letter, (submitted as an Annex to this Complaint). No reply was ever received, forcing the Complainant to pursue the present Complaint.

**Registrant**

The Registrant has not filed any response.

**3. CONTENTIONS OF THE PARTIES****Complainant**

The Complainant has along with this Complaint, submitted various annexes, in support of their Facts, as noted above.

The Complainant is the owner of the following registered Canadian trade-marks relevant to the present Complaint.

1. FOSTER GRANT (wordmark), Canadian trade-mark registration number 0393462 registered on 1977-11-04 for the following goods:

Nice class 3:

Eyeglass accessories, namely lens cleaner, Eyeglass accessories, namely lens cleaning spray.

Nice class 9:

Sport goggles; Sunglasses; Eye protection glasses; Eyeglasses; Eyeglass accessories, namely eyeglass repair kit; Eyeglass accessories, namely eyeglass repair kit.

Nice class 21:

Eyeglass accessories, namely lens cleaning cloth; Eyeglass accessories, namely lens cleaning cloth.

2. FOSTER GRANT (figurative mark), Canadian trade-mark registration number 1334260, registered on 2010-02-05 for the following goods:

Nice class 9:

Sunglasses, non-prescription reading glasses, eyeglass cases, and magnifiers.

Extracts of the Canadian Intellectual Property Office's online database relating to these two marks were included with this Complaint.

**Registrant**

The Registrant has not appeared or responded, and the Panel notes that no communication has been received from the Respondent. However, given that the Complaint and Written Notice were sent to the relevant address disclosed by the Registrar, the Panel considers that this satisfies the requirement in paragraph 2(a) of the Rules to "employ reasonably available means calculated to achieve actual notice".

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## Remedy Sought

The Complainant requests the Domain Name be transferred to it.

## 4. DISCUSSION AND FINDINGS

### 4.1 Eligibility

The Complainant is an eligible complainant 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.

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

Earlier in this decision, in paragraph 2 (**FACTS**), the historical trademark registrations, registrations of related names and information submitted by the Complainant have outlined/supported their pleadings of Legitimate Rights, notwithstanding the fact that the historical and notorious product name(s) predate the registration of the Domain Name in dispute.

Paragraph 3.3 of the Policy provides that a domain name will be considered "confusingly similar" to a trademark if the domain name so nearly resembles the trademark in appearance, sound or the ideas suggested by the trademark as to likely be mistaken for the trademark.

In this case, if the domain name fostergrant.ca is identical to the Complainant's trademark/product name(s), but for the addition of the ".ca" portion. In this regard, the Policy specifies in paragraph 1.2 that in assessing similarity, the ".ca" suffix of the domain name should be disregarded.

The Complainant's rights in the Foster Grant trademark existed prior to the registration date of the Disputed Domain.

As it appears from all of the information submitted, the Disputed Domain Name was created and registered well after the Complainant began using the trademark Foster Grant in Canada.

For these reasons, the Complainant has clearly shown that the Disputed Domain Name is confusingly similar to a mark in which the Complainant had rights prior to the date of registration of the Disputed Domain Name, and in which the Complainant continues to have rights.

#### **4.3.2 Whether the Registrant registered the Domain Name in Bad Faith**

Paragraph 3.5 of the Policy sets out a non-exhaustive list of factors that shall, each individually, be evidence of the Registrant's bad faith registration.

In addition, prior panels deciding under the Policy have held that other circumstances surrounding the registration of the domain name, not included in this list in Paragraph 3.5, should be considered relevant for determining whether a bad faith registration is present. One circumstance that is of particular relevance in this regard is where the registrant of the domain name could be considered to have actual or constructive knowledge of the complainant's trademark rights prior to registering the disputed domain name. The Complainant considers that at a minimum, constructive knowledge of the existence of the FOSTER GRANT mark must be imputed to the Registrant.

The Complainant's FOSTER GRANT mark was first registered in Canada in 1977 and has consistently and widely been used in commerce in Canada ever since that date. Further, historical Google search results for the term "foster grant" from a Canadian IP-address, from the time-period 1.1.2017 to 1.6.2017, reveal that the top result and the majority of other results are references to the Complainant and their products.

In these circumstances, it seems more likely than not, that the Registrant was well aware of the Complainant's rights and proceeded with the registration to exploit the brand value inherent in the domain name. This assertion can be supported by other factors relating to the behavior of the Registrant, already mentioned in this Complaint, namely that the disputed domain has not been used to resolve to an active website since 2021, and that the Registrant never responded to the Complainant's cease-and-desist letter.

Prior panels deciding under the Policy have held both of these circumstances to be relevant in ascertaining bad faith registration, which is logical since the absence of any meaningful use made of the disputed domain name and an unwillingness to engage in resolving the matter through corresponding with a complainant are, at least in the absence of other indications, suggestive of an intent to exploit the brand value of the disputed domain name through holding it and selling it on, i.e. cybersquatting.

Additionally, the circumstance described in Paragraph 3.5(4) of the Policy, concerning the situation where the use of a domain name is likely to cause confusion among Internet users as to affiliation or sponsorship thereby putting the registrant in a position to reap some type of commercial benefit is applicable to this dispute.

Prior panels deciding under the Policy have held that it is not necessary for a disputed domain name to be associated with an active website for a finding of bad faith to be made under paragraph 3.5(4) as long as it can be shown that the domain name would ultimately result in consumer confusion if ever put to use.

Applying this to the present dispute, it is clear that when confronted with the disputed domain name, the average Internet user would instinctively assume that it represents the official Canadian online presence of the Complainant's FOSTER GRANT brand. Any website shown under the disputed domain name would therefore benefit from increased traffic from visitors initially believing that the disputed domain name to relate to the Complainant's brand.

In this regard, under the UDRP, panels have consistently upheld the applicability of "initial interest confusion" when assessing commercial gain derived from likelihood of confusion; the added traffic to a website from a confusing domain name is a real and illegitimate commercial benefit, even if this confusion is subsequently corrected through the use of disclaimers on the landing page, or otherwise.

Further, the doctrine of initial interest confusion, insofar as it justifies the actionability of trademark use in a domain name to drive traffic even when confusion is dispelled by the content of the landing page, has been supported by Canadian case law.

Accordingly, any potential use of the disputed domain name by the Registrant would create a likelihood of confusion resulting in commercial gain, confirming the Registrant's bad faith registration.

#### **4.3.3 Whether there is Some Evidence that the Registrant has No Legitimate Interest in the Domain Name**

The Complainant submits that the disputed domain name is confusingly similar to its registered Canadian trademarks, as identified earlier in this Complaint.

Under the Policy, a domain name is to be considered confusingly similar to a trademark if the domain name so nearly resembles the mark in appearance, sound or conceptually (i.e. the ideas suggested by the mark) as to be likely to be mistaken for the trademark.

The disputed domain name, fostergrant.ca, reproduces both of the two words that make up the Complainant's trademark FOSTER GRANT, and add nothing more that would enable an Internet user to distinguish the disputed domain name from the mark.

Given that it is obvious that the disputed domain name would be mistaken for the Complainant's trademark, the confusing similarity of the disputed domain name for the purposes of the Policy is beyond reasonable dispute.

Paragraph 3.4 of the Policy sets out a list of circumstances that would, each individually, suffice to demonstrate the Registrant's legitimate interest in the disputed domain name. While this list is explicitly stated to be non-exhaustive, it very well can, constitute the circumstances that the applicability of which a complainant is beholden to consider before bringing a complaint under the Policy.

The following will consider in turn, the applicability of each of the circumstances listed in Paragraph 3.4 to the present case.

First, there is no indication that the disputed domain name is a mark in which the Registrant has rights and that it is used in good faith. A search on the Canadian Intellectual Property Office's

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trademark database for "Foster Grant" and "fostergrant" do not lead to any registrations held by the Registrant. In fact, all of the currently registered FOSTER GRANT marks are held by the Complainant.

Thus, it seems clear that the Registrant holds no registered trade-mark rights, or unregistered rights at common law, to a mark identical to the disputed domain name. Additionally, (despite no response from the Registrant), there is nothing to suggest or support that any contractual or other right or license exists, giving the Registrant any product brand, or trademark use.

Second, the disputed domain name, which exclusively references the name "Foster Grant", has no meaning in Canada in any language in terms of the names of goods and services, the place of origin of goods and services, the character or quality of goods or services or the conditions of production or performance of any goods and services. No legitimate interest in the disputed domain name can be derived from the argument that it consists of generic terms.

Third, that despite no response from the Registrant, there is no indication that would, since the creation of the disputed domain name in May 2017, was/is used in good faith for a legitimate non-commercial activity. Indeed, it seems that no substantial use, whether commercial or non-commercial, has been made of the disputed domain name, which has since 2021 only been showing a "website under development" page.

Fourth, the disputed domain name does not correspond to the legal name of the Registrant or to a name by which the Registrant is generally known. The Registrant's legal name is Echo Brand Management Ltd, and the Registrant is also generally known by this name. Further, the Registrant's official website at echobrands.com contains no mention of Foster Grant, clearly demonstrating that the Registrant is not known by this name.

Paragraph 4.1 of the Policy requires that to succeed in the Complaint, the Complainant must provide some evidence that the Registrant has no legitimate interest in the Domain Name as the concept of "legitimate interest" is provided for in Paragraph 3.4 of the Policy.

Paragraph 3.4 of the Policy provides that the Registrant has a legitimate interest in a domain name if:

- 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 used 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 used 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 was the geographical name of the location of the Registrant's non-commercial activity or place of business.

In Paragraph 3.4(d) "use" by the Registrant includes, but is not limited to, use to identify a website.

It is to be noted that in Paragraphs 3.4(a), (b), (c), and (d), there is a requirement that the Registrants act "in good faith".

Accordingly, the Complainant has satisfied its burden under Paragraph 4.1 of the Policy, that the Registrant has no legitimate interest in the Domain Name.

## 5. 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 (fostergrant.ca) be transferred to the Complainant.

Made as of February 28, 2026

SIGNATURE OF PANEL

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Claude Freeman