



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	26483-CDRP	Decision date: March 12, 2026
Domain Name:	<inaria.ca>	
Panel:	Douglas M. Isenberg	
Complainant:	SW Soccer Canada ULC (DBA Inaria)	
Registrant:	Justin O'Connor	

1. OVERVIEW

This matter concerns a registered domain, <inaria.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:

1. On January 15, 2026, Bridgitte Chan filed a Complaint on behalf of SW Soccer Canada ULC (DBA Inaria) pursuant to the CDRP and the Resolution Rules. The required commencement fee was paid on January 16, 2026. The complaint was in administrative compliance with CIRA’s requirements under Rule 3.2.
2. On January 16, 2026, CIRA was notified of this proceeding. CIRA transmitted by email to CIIDRC its verification response informing that the registrant of the Disputed Domain Name is Justin O'Connor

(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 2025-04-03 (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 20, 2026.
4. The deadline for submitting a Response was set for February 9, 2026.
5. The Registrant failed to file response to date.
6. The Complainant in this administrative proceeding has elected for a Panel consisting of a single-member.
7. The Complain[an]t deposited the required Panel fee on February 18, 2026.

CIIDRC appointed Douglas M. Isenberg as a single-member Panel on February 19, 2026.

The Domain Name was registered on April 3, 2025.

3. FACTS

Insert Background facts

Complainant states that it is “a global manufacturer of team sports and active apparel... founded in Toronto in 1999”; that it “designs, manufactures, and sells team apparel, equipment, and accessories including jerseys, warm-up suits and training apparel”; and that it “also supplies goods and services internationally to the worlds of basketball and hockey and for sports tournaments of any kind.” Complainant provides significant additional details about its goods and services, its promotional activities and its advertising.

Complainant states, and provides documentation in support thereof, that it (or its “or its predecessor in title”) was, the registrant of the Domain Name from February 17, 2017, to April 3, 2025, during which time Complainant redirected the Domain Name to its website using the domain name <inariasoccer.com>. Complainant states: “Unfortunately, the inaria.ca domain name was inadvertently not renewed on April 3, 2025. It was never the Complainant’s intention to abandon this domain name.”

Complainant states, and provides evidence in support, thereof, that it is the owner of multiple trademark registrations in Canada, the United States, the United Kingdom and the European Community for marks that

consist of “INARIA,” including Canada Reg. No. TMA610607 for INARIA (registered May 18, 2004) for use in connection with, *inter alia*, “sport equipment and accessories.” These registrations are referred to herein as the “INARIA Trademark.”

Complainant states, and provides evidence in support thereof, that the Disputed Domain Name “is inactive (not linked to any active website) despite the Registrant’s claims in correspondence with a domain broker that the Registrant ‘has business tied to the domain and plan to launch a website in the near future’.”

4. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant submits that the Domain Name is confusingly similar to a mark in which the Complainant had rights prior to the date of registration of the Domain Name and continues to have such rights, because, *inter alia*, Complainant’s oldest registration for the INARIA Trademark was issued at least as early as May 18, 2004, and is still registered, and the Domain Name is identical to the INARIA Trademark.

The Complainant submits that the Domain Name was registered in bad faith because, *inter alia*:

the Registrant’s passive holding of the Disputed Domain Name constitutes evidence of registration and holding in bad faith given the following:

The Disputed Domain Name is inactive (not linked to any active website) despite the Registrant’s claims in correspondence with a domain broker that the Registrant “has business tied to the domain and plan to launch a website in the near future”.

“INARIA” is a highly distinctive coined term used by the Complainant for more than two decades as a trademark and trade name prior to the registration of the Disputed Domain Name. Thus, it ought to be inferred that the Registrant had constructive knowledge of the mark prior to registering the Disputed Domain. The Registrant likely knew of the Complainant’s Inaria Marks when the Disputed

Domain Name was registered given the well-known status of the Inaria Marks. It can therefore be inferred, and that the Registrant registered the Disputed Domain Name to capitalize on the goodwill of the Inaria Marks by intentionally creating the impression of a false association. Name....

In May 2025, the Complainant authorized a domain broker to offer \$3500 to the Registrant to buy back the Disputed Domain Name. The Registrant did not acknowledge the offer and only indicated that it had an intention to launch a business in the near future and to use the Disputed Domain Name for that business.

The Complainant submits that the Registrant has no legitimate interest in the Domain Name because, *inter alia*:

[T]he Registrant registered the Disputed Domain Name on April 3, 2025, long after Inaria adopted and began using INARIA – 26 years, in fact. On information and belief, the Registrant was not commonly known or known at all by the Disputed Domain Name or the word “Inaria” prior to its registration. Moreover, on information and belief, the Registrant, Justin O’Connor, does not own or operate a business called Inaria.

The Registrant is not affiliated with the Complainant and has never been licensed or authorized to use the Inaria Marks in any manner, in Canada or otherwise, including in, or as a part of a domain name.

The Registrant **never** had rights in the INARIA mark. The Registrant does not own any trademarks that include “INARIA” or any similar words. Moreover, given the Complainant’s prior international use and registration of the Inaria Marks, including in Canada, there is no apparent plausible way that the Registrant was not aware of the Complainant’s business and trademark.

The mark INARIA does not have any clearly descriptive meaning in either English or French in relation to sports equipment and apparel. The word is coined, having no English or French dictionary meaning....

The Inaria Marks do not have any apparent descriptive meaning in relation to the Registrant nor do they appear to be the geographical name of the Registrant’s activity or place of business. INARIA also does not appear to be a legal name, surname, or other reference associated with the Registrant.

The Registrant has never used the Domain Name for a bona fide offering of goods or services nor made any legitimate non-commercial or fair use under the Policy.... In fact, as noted above, the Registrant has not made any use of the Disputed Domain Name at all.

Due to the similarity between the Complainant’s Inaria Marks on the one hand, and the Domain Name <inaria.ca> on the other, the Disputed Domain Name is likely to cause confusion, mistake or to deceive as to the affiliation, connection, or association of the parties.

- **Registrant**

The Registrant did not submit a response to the Complaint.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to it.

5. DISCUSSION AND FINDINGS

5.1 Eligibility

The Complainant is an eligible complainant under paragraph 1.4 of the CDRP. The Complainant is the owner of multiple registrations in Canada, including the registration listed above.

5.2 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.

5.3 Analysis

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

With respect to paragraph 3.1(a) of the CDRP, the Panel concludes that Complainant had rights in the INARIA Trademark prior to the date of registration of the Domain Name and that it continues to have such rights, as a result of the registrations described above.

Paragraph 3.3 of the CDRP states: "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." It is apparent that the Disputed Domain Name contains the INARIA Trademark (and **only** the INARIA Trademark) in its entirety. "[I]n cases where a domain name incorporates the entirety of a trademark, ... the domain name will normally be considered

confusingly similar to that mark.” WIPO Overview of WIPO Panel Views on Selected UDRP Questions (“WIPO Overview 3.1”), section 1.7.¹

Accordingly, the Panel finds that Complainant has met its burden of proof with respect to paragraph 3.1(a) of the CDRP.

5.3.2 Whether the Registrant registered the Domain Name in Bad Faith

The Panel evaluates whether the Complainant has established that Registrant has registered the Domain Name in bad faith, as defined by the CDRP. Pursuant to paragraph 3.5 of the CDRP, the following “shall be evidence that a Registrant has registered a domain name in bad faith”:

- (a) the Registrant registered the domain name, or acquired the Registration, primarily for the purpose of selling, renting, licensing or otherwise transferring the Registration to the Complainant, or the Complainant’s licensor or licensee of the Mark, or to a competitor of the Complainant or the licensee or licensor for valuable consideration in excess of the Registrant’s actual costs in registering the domain name, or acquiring the Registration;
- (b) the Registrant registered the domain name or acquired the Registration in order to prevent the Complainant, or the Complainant’s licensor or licensee of the Mark, from registering the Mark as a domain name, provided that the Registrant, alone or in concert with one or more additional persons has engaged in a pattern of registering domain names in order to prevent persons who have Rights in Marks from registering the Marks as domain names;
- (c) the Registrant registered the domain name or acquired the Registration primarily for the purpose of disrupting the business of the Complainant, or the Complainant’s licensor or licensee of the Mark, who is a competitor of the Registrant; or
- (d) the Registrant has intentionally attempted 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 as to the source, sponsorship, affiliation, or endorsement of the Registrant’s website or location or of a product or service on the Registrant’s website or location.

Although Respondent is not using the Domain Name in connection with an active website, previous panels under the CDRP have routinely found bad faith under the well-established doctrine of “passive holding” that was first set forth in the landmark UDRP case *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO

¹ Although WIPO Overview 3.0 addresses the Uniform Domain Name Dispute Resolution Policy (“UDRP”), Paragraph 3.2(l) of the Resolution Rules expressly allows references to “dispute resolution proceedings which apply to domain names registered under any other top level domain which the Complainant considers persuasive.”

Case No. D2000-0003. See, e.g., *BASF SE v. Jean-Yves Collin*, Case No. CDRP-1999-CIRA (transfer of <basfproducts.ca>) (“the Panel finds that the so-called ‘passive holding doctrine’ is applicable here”); *GOJO Industries, Inc. v. Water by Wave Inc.*, (transfer of <purellhandsanitizer.ca>) (finding bad faith where Complainant cited decisions “that suggest that a registrant’s passive holding of a domain is evidence of bad faith registration”); and *DALKIA v. Nhan Nguyen*, Case No. 16873-CDRP (transfer of <dalkia.ca>) (“[f]ailure to make active use of a domain name can support a finding of bad faith”).

The passive holding doctrine is described by WIPO Overview 3.1, section 3.3, as follows:

[T]he non-use of a domain name (including a blank or “coming soon” page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panelists have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy.

Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent’s registration agreement).

Taking the above factors into consideration, panels assess the overall plausibility of any (claimed) good faith use to which the domain name may be put in light of the composition of the domain name in relation to the relevant mark, such that, the more arbitrary or distinctive a mark the less plausible a claimed non-infringing good faith use is likely to be, and vice versa.

Here, the factors forth in WIPO Overview 3.1, section 3.3, indicate that bad faith exists under the passive holding doctrine, specifically: Complainant’s INARIA Trademark is distinctive (given that it appears to be a coined term) and has a strong reputation (given that it is protected by multiple registrations worldwide and has been registered for at least almost 22 years); and the Registrant has not submitted a response in this proceeding.

Further, as stated above, Registrant registered the Domain Name only after Complainant inadvertently allowed it to lapse. As set forth in section 3.2.1 of WIPO Overview 3.1, a respondent may be found to have acted in bad faith where, as here, “the timing and circumstances of the registration” follow “the complainant’s failure to renew its domain name registration.” See also, e.g., *Christopher B. Bridges v. Douglas Swift, Third-Party Solutions LLC*, WIPO Case No. D2019-2083 (finding bad faith where “Respondent took advantage of a lapse in registration of an active domain name, to register a domain name that comported the Complainant’s trademark and that was clearly and exclusively associated with the Complainant... for more than fifteen years”); *Theodoor Gilissen Bankiers N.V. v. AbdulBasit Malaani*, WIPO Case No. D2013-1229 (finding bad faith where “Respondent registered the disputed domain name shortly after the Complainant’s original domain name

registration expired”); and *Pierre Fabre Medicament v. Pierre Fabre*, WIPO Case No. D2009-0146 (finding bad faith where “Complainant failed to renew the registration” and complainant’s trademark rights were “long-established”).

In light of the above, the Panel finds that Complainant has met its burden of proof with respect to paragraph 3.1(c) of the CDRP.

5.3.3 Whether there is Some Evidence that the Registrant has No Legitimate Interest in the Domain Name

With respect to paragraph 4.1(c) of the CDRP, regarding a lack of legitimate interests, the Panel notes that paragraph 3.4 of the CDRP sets out six specific circumstances which, “if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate that the Registrant has a legitimate interest in a domain name.” The Panel also notes that these circumstances are stated to be “without limitation,” allowing a Panel to find a legitimate interest under other circumstances as well.

The Complainant submits evidence and arguments, which the Panel accepts, that the Registrant does not meet any of the criteria for legitimate interest set out in paragraph 3.4 of the CDRP, and, in the absence of a response from the Registrant, the record contains no evidence of legitimate interests. See, e.g., *General Motors LLC v. Tony Wilson*, CIRA Case No. 00182 (“the Complainant has provided some evidence that the Registrant has no legitimate interest in the Domain Name and this evidence has not been rebutted by the Registrant”).

Accordingly, the Panel finds that Complainant has met its burden of proof with respect to paragraph 4.1(c) of the CDRP and therefore finds in favor of the Complainant with respect to this element of the CDRP.

6. 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 be transferred to Complainant.

Made as of

SIGNATURE OF PANEL



