



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

CIIDRC case number:	26592-CDRP	Decision date: April 29, 2026
Domain Names:	ccleveling.ca; canadianconcreteleveling.ca	
Panel:	Barry Effler (Chair), Carol Roberts, Brian Gray	
Complainant:	Canadian Concrete Leveling Inc.	
Complainant's representative:	Anthony Melia	
Registrant:	Groundworks Canada Corporation, Inc./Dalen Sharp	
Registrant's representative:	Jonathan N. Auerbach, Stikeman Elliott	

1. PROCEDURAL HISTORY

The Canadian International Dispute Resolution Centre ("CIIDRC") is a recognized service provider pursuant to the Domain Name Dispute Resolution Policy (v 1.3, August 22, 2011) (the "Policy") and the Canadian Dispute Resolution Rules (the "Rules") of the Canadian Internet Registration Authority ("CIRA").

On February 3, 2026, Canadian Concrete Leveling Inc. filed a Complaint with the CIIDRC seeking an order in accordance with the Policy and the Rules directing that the registration of the disputed domain names ccleveling.ca and canadianconcreteleveling.ca (the "Domain Names") be transferred to the Complainant. The Complainant has elected for a Panel consisting of three members.

CIIDRC notified the CIRA of the proceeding on February 6, 2026, and on the same date, CIRA transmitted its verification response confirming the Registrant's identity. CIRA also confirmed the Registrant's identity and that the disputed domain name had been placed on a Registrar LOCK.

Pursuant to Rule 4.4, the CIIDRC notified the Registrant of this administrative proceeding on February 11, 2026 via email. The Complainant submitted additional material on February 13, 2026. The Registrant filed a response on March 4, 2026.

On March 9, 2026, the Complainant filed an additional document entitled “Complainant’s submission in support of the Transfer of the Disputed .CA Domain Names.”

On March 13, 2026, the Registrant’s representative objected to the March 9, 2026 submission on the basis that was contrary to Rule 11.1, that it had not been requested by the Panel, it was not in response to the Registrant’s claim for costs under Paragraph 4.6 of the Policy, and that it did not amount to further submissions with respect to the Registrant’s legitimate interest in the domain name.

By letter dated March 26, 2026 the undersigned were appointed by the CIIDRC as the three-member Panel in this matter pursuant to Paragraph 6 of the Rules. The undersigned have each confirmed to the CIIDRC that they can act impartially and independently as a Panelist in this matter.

The Panel determines that it has been properly appointed and constituted to determine the Complaint in accordance with the Rules.

On March 31, 2026, the Panel issued a procedural order informing the parties that it would accept the Complainant’s March 9, 2026 additional submission. The Panel notes that the Complainant is unrepresented by counsel, and in the interests of fairness, determined that as much relevant material as possible ought to be before the Panel. The Panel provided the Registrant with the opportunity to file response materials by April 10, 2026.

The Registrant did file additional response within the time limit.

The Complainant then submitted an additional third submission, which the Registrant objected to. The Panel declines to accept the third submission, as not provided for in the Rules or by Procedural Order no. 1.

2. FACTS ALLEGED BY THE PARTIES

Complainant:

The Complainant is Canadian Concrete Leveling Inc. (“CCL”), a corporation incorporated under the laws of Ontario in 2018.

The Complainant offers a variety of concrete services, including commercial and industrial concrete leveling, concrete raising and stabilization, residential concrete repair, and concrete lifting and leveling, since 2011, primarily in Ontario.

The Complainant says it has acquired common law trademark rights in the names Canadian Concrete Leveling Inc., Canadian Concrete Leveling and CCLleveling through its continuous 11 years of use. It contends that it has used the marks in the ordinary course of business including

business email addresses, marketing and advertising materials, at ccleveleveling.ca website and company vehicles, signage and invoices.

The domain name "canadianconcreteleveling.ca" was registered on December 5, 2015 and the domain name "ccleveleveling.ca" was registered on February 9, 2016.

Registrant:

The Registrant, Groundworks Canada Corporation Inc. is an Alberta corporation that specializes in foundation repair, basement waterproofing, crawl space encapsulation, concrete services including concrete leveling and radon mitigation. It provides services in throughout Canada.

On July 29, 2024, the Registrant entered into an asset purchase agreement with Don Clarke Contracting Ltd. Included in the assets were several domain names, including the Domain Names.

3. CONTENTIONS OF THE PARTIES

Complainant:

The Complainant submits that the Registrant has no rights or legitimate interest in the Domain Names, that the Domain Names are confusingly similar to the Marks in which the Complainant had rights, that the Registrant has no legitimate interest in the domain name "canadianconcreteleveling.ca", that the Registrant is not commonly known by that name, and that the Registrant has registered the domain name in bad faith.

The Complainant argues that it has established "rights" in the trade name and common law trademark Canadian Concrete Leveling Inc. (the "Mark") through continuous use of the mark for more than 11 years, and that the domain "ccleveleveling.ca" functions both as a domain name and a source identifier for the Complainant's services.

The Complainant also argues that the Registrant redirects internet users to its own webpage which demonstrates an intention to disrupt the Complainant's business and constitutes bad faith.

The Complainant argues that the Registrant is not commonly known by the name "Canadian Concrete Leveling," and that it has not carried on business in Canada under that name.

Consequently, the Complainant contends that the Registrant has registered the disputed domain name in bad faith and in violation of Paragraph 3.5 of the Policy.

Registrant:

The Registrant contends that the Complainant was not in existence at the registration date of either of the Domain Names and that it has not asserted rights in the Alleged Marks from a predecessor in title.

The Registrant further contends that the Complainant has not presented any evidence upon which the Panel can conclude that there exist any rights to the Alleged Marks at any time, that the Registrant has no legitimate interest in the Domain Names or that the Registrant acquired either of the Domain Names in bad faith.

The Registrant argues that the Complainant has no rights in the Alleged Marks and has presented no evidence on which the Panel can conclude that the Complainant has demonstrated that it has used the Alleged Marks for the purpose of distinguishing its goods, services and/or business from those of others, at any time.

The Registrant notes that the Complainant filed a Canadian trademark application on October 13, 2021 for the trademark “Canadian Concrete Leveling & Design” and that the Canadian Intellectual Property Office objected to the registration on the basis that, among other things, “Canadian concrete leveling” is clearly descriptive and lacks inherent distinctiveness. The fact that the Complainant subsequently abandoned its application, the Registrant argues, leads to an inference that the Complainant accepted that the term “Canadian concrete leveling” lacked distinctiveness. The Registrant notes that the application and subsequent abandonment occurred well after the date of registration of each of the Domain Names.

The Registrant contends that the Claimant has not presented any evidence that it has no legitimate interest in the Domain Names. It argues that it acquired the Domain Names as part of a good faith business transaction and that “Canadian” is descriptive of the origin of the Registrant’s services and “concrete leveling” is descriptive of a character and quality of the Registrant’s services and/or is a generic name for those services.

Finally, the Registrant contends that the Complainant has presented no evidence that the domain name “canadianconcreteleveling.ca” is currently redirecting to the “Groundworks” website and that such activities demonstrate an intent to divert customers for commercial gain and to disrupt the business of the Complainant. However, the Registrant says that the Domain Names were purchased as part of a bona fide transaction and as such, any redirection of the domain to a “Groundworks” website cannot constitute bad faith.

The Registrant contends that the Complainant submitted the Complaint in bad faith and seeks an Award in the amount of \$5,000.

4. DISCUSSION AND FINDINGS

Eligibility

The Complainant is an eligible complainant under paragraph 1.4 of the Policy. The Complainant is a corporation incorporated under the laws of Ontario, Canada.

Requirements

In accordance with Paragraph 4.1 of the Policy, the onus is on the Complainant to prove, on a balance of probabilities, that:

- a) Registrant's dot-ca 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; and
- b) the Registrant has registered the domain name in bad faith as described in paragraph 3.5; and

the Complainant must provide "some" evidence that:

- c) the Registrant has no legitimate interest in the domain name as described in paragraph 3.4.

If the Complainant satisfies element c), the onus is on the Registrant to prove that he does have a legitimate interest in the domain name.

The Panel will consider each of these requirements in turn.

Analysis

A. Is the Domain Name confusingly similar to a Mark in which the Complainant has Rights?

The definition of a "Mark" is set out in Paragraph 3.2 of the Policy. Sub-paragraph (a) states that a "Mark" can be: "a trade-mark, including the word elements of a design mark, or a trade name that has been used in Canada by a person, or the person's predecessor in title, for the purpose of distinguishing the wares, services or business of that person or predecessor ..."

Paragraph 3.1(a) of the Policy requires that the Complainant has "Rights" in its Mark. The term "Rights" is not defined in the Policy but the Canadian trademark law has recognized that trademark rights may be developed through use in commerce (i.e., at common law) and without the benefit of a trademark registration. (Section 7 of the Trademarks Act (R.S.C., 1985, c. T-13), titled "Unfair Competition and Prohibited Signs").

This element of the Policy requires that Complainant establish, first, that it has “Rights” in a “Mark”, and, second, that the disputed domain name is “confusingly similar” to its mark.

The Complainant submitted some evidence of use of “Canadian Concrete Levelling” by someone prior to the date of the Complainant’s incorporation in 2018. It is not clear from the Complainant’s evidence exactly what person or entity is doing so AND HOW IT RELATES TO THE Complainant.

On the basis of the foregoing, the Complainant has failed to establish that it had a Mark as required by the Policy Paragraph 3.1 (a): “the Registrant’s dot-ca 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;”

This is sufficient for the Complaint to be dismissed.

Further analysis

The Complainant is currently using the Domain Name cclevelling.ca as the basis for its ongoing email address. The Complainant is not able to amend or access the website provided by that Domain Name since the acquisition of the Domain Names by the Registrant on or about July 29, 2024.

The Complainant stated it had had an employee register the Domain Names for it. The Complainant’s representative, Mr. Anthony Melia appears to be the guiding mind and possibly the predecessor to the corporate Complainant. However, the evidence provided is not clear on the relationship between Mr. Melia and the Complainant.

Further, the evidence does not establish the relationship between the person who registered the Domain Names and how the Domain Names ended up being the property of the company that sold the Domain Names to the Registrant.

The Complainant included in its material a copy of what appears to be a draft of an affidavit intended to be used in a complaint at the World Intellectual Property Organization regarding the domain name “canadianconcretelevelling.com”. In addition, there is a copy of a letter dated January 7, 2025 from a lawyer for the Complainant to the Registrant. This material sets out that currently Mr. Melia is the sole shareholder and president of the Complainant. Mr. Melia acquired the shares of the Complainant in the summer of 2024 from a man named Don Clarke.

Quoting from the draft affidavit:

2. CCL was incorporated in 2018, and is headquartered in Newmarket, Ontario, Canada. It offers a variety of concrete services, including leveling, lifting, and repair, all in association with the CANADIAN CONCRETE LEVELING trademark. A copy of CCL’s certificate of incorporation is included as Annex X to the Complaint.

3. I became involved with the business of CCL a few years before its incorporation, when I was a customer of its services. At that time, the business was owned and run by an individual named Don Clarke. After seeing the value and quality of the services being offered, I joined the business as Mr. Clarke's partner. I bought Mr. Clarke out of CCL in the summer of 2024.

4. In late 2015 and early 2016, we decided to register a number of domain names in association with our business. We instructed one of our employees at the time, Dalen Sharp, to register the domains on our behalf. These domains included the two at issue in this proceeding – and – as well as four .ca domains: • ccleveleveling.ca • canadianconcreteleveling.ca • canadianconcretelevelling.ca • canadianconcretelifting.ca

5. CCL's website is hosted at the <ccleleveling.ca> domain.

Until very recently, all of these domains redirected to CCL's website.

The Panel notes that the ccleleveling.ca website now opens to a page asking visitors to give their contact information. There is no reference to who actually operates the site or receives the potential client information.

The January 7, 2025 letter is copied to "Dalen Sharp, General Manager, Groundworks (Toronto) – via e-mail (dalen@clarkebasementsystems.ca)", apparently the person who registered the Domain Names originally and now works for the Registrant.

The evidence does not establish who exactly employed Mr. Sharp at the time of the Domain Name registrations or how the Domain Names apparently were administered on behalf of the Complainant until late 2024.

Bad faith of Complainant

Paragraph 4.6 of the Policy deals with bad faith of a complainant.

4.6 Bad Faith of Complainant. If the Registrant is successful, and the Registrant proves, on a balance of probabilities, that the Complaint was commenced by the Complainant for the purpose of attempting, unfairly and without colour of right, to cancel or obtain a transfer of any Registration which is the subject of the Proceeding, then the Panel may order the Complainant to pay to the Provider in trust for the Registrant an amount of up to five thousand dollars (\$5000) to defray the costs incurred by the Registrant in preparing for, and filing material in the Proceeding. The Complainant will be ineligible to file another Complaint in respect of any Registration with any Provider until the amount owing is paid in full to the Provider.

The Registrant has made a claim that the Complainant made this Complaint in bad faith. The Panel rejects this submission.

The Complaint failed to establish the Complainant had a Mark at the time of registration. The evidence does provide that control of the Domain Names was operated by the Complainant until sometime in late 2024.

This apparent control gives the Complainant an apparent colour of right to have brought the Complainant.

The overall facts have not been clearly established in this Complaint regarding actual ownership of the Domain Names at the time of registration. Establishing which entity employed Mr. Sharp at the time of registration and the subsequent chain of ownership of the Domain Names may or may not assist the Complainant.

B. Did the Registrant register the domain name in bad faith?

Under Paragraph 4.1(b) of the Policy, the Complainant must demonstrate, on a balance of probabilities, that the Registrant registered the domain name in bad faith.

The Panel will not address the issue of whether the Registrant registered the Domain Names in bad faith as this Complaint has already failed.

C. Does the Registrant have a Legitimate Interest in the Domain Name?

Paragraph 4.1(c) of the Policy states that the Complainant must provide “some evidence” that “the Registrant has no legitimate interest in the domain name as described in paragraph 3.4.”

The Panel will not address the issue of whether the Registrant has a legitimate interest in the Domain Names as this Complaint has already failed.

5 DECISION and ORDER

The Panel finds that the Complainant has not satisfied its burden of proof with respect to all three elements of Paragraph 4.1 of the Policy.

For the reasons stated above, and in accordance with Paragraph 4 of the Policy and Paragraph 12 of the Rules, the Panel orders:

1. the Complaint dismissed, without prejudice to the Complainant being able to file a new complaint, and
2. the application by the Registrant to make a finding of a bad faith complaint by the Complainant is denied.

April 29, 2026

Panel:

signed

Barry Effler (Chair)

signed

Brian Gray

signed

Carol Roberts