



CIIDRC case number:	26806-CDRP	Decision date: March 31, 2026
Domain Name:	skoda-auto.ca	
Panel:	The Hon. Neil Anthony Brown, KC (Chair) James Bridgeman, SC Gerald M. Levine, Esq.	
Complainant:	Skoda Auto a.s.	
Registrant:	Viliam Pcolinsky	

1. OVERVIEW

This is a proceeding under the Canadian Domain Name Dispute Resolution Policy (“the Policy”) and the Canadian Domain Name Dispute Resolution Rules (“the Resolution Rules”) of the Canadian Internet Registry Authority (“CIRA”). The Canadian International Internet Dispute Resolution Centre (“CIIDRC”) in which the proceeding has been conducted is a recognized service provider to CIRA in proceedings under the Policy. The proceeding relates to the registered domain name <**skoda-auto.ca**> (“the disputed domain name”) and it seeks the transfer of the domain name from the Registrant to the Complainant. The proceeding is defended.

2. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from CIIDRC to the Panel dated March 25, 2026 and the significant steps in the proceeding are as follows.

1. On March 4, 2026, the Mr. Jiri Cermak, attorney-at-law, acting on behalf of the Complainant, filed a Complaint pursuant to the CDRP and the Resolution Rules ("the Complaint") via the online platform of CIIDRC and the required commencement fee was paid on the same day.
2. CIRA was notified of the proceeding on March 4, 2026 and on the same date it transmitted by email to CIIDRC its verification response informing the CIIDRC that the registrant of the disputed domain name is Viliam Pcolinsky ("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 July 24, 2019 ("the Registration Date").
3. Pursuant to Resolution Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding on March 5, 2026 and forwarded a Notice of Complaint with the Complaint to the Registrant on March 5, 2026. Accordingly, the date of commencement of the proceeding is March 5, 2026.
4. The Respondent of the domain name filed its Response to the Complaint on March 22, 2026.
5. The Complainant deposited the required Panel fee on March 24, 2026.
6. On March 25, 2026, CIIDRC appointed The Honorable Neil Anthony Brown KC as Chair of the Panel and Gerald M. Levine Esq. and James Bridgeman, SC as panelists. The aforesaid panelists confirmed acceptance of their appointment and submitted to CIIDRC in each case the statement of impartiality and independence required under

Paragraph 7 of the Rules. The Panel determines that it has been properly appointed and constituted as the Panel to decide the Complaint in accordance with the Policy and the Rule 6.

7. Absent exceptional circumstances, and pursuant to Resolution Rule 12.2, the Panel's decision is due by April 15, 2026.

8. The disputed domain name was registered on July 24, 2019.

3. FACTS

The relevant facts are included in the contentions of the parties set out below.

4. CONTENTIONS OF THE PARTIES

COMPLAINANT

The Complainant makes the following contentions:

1. The Complainant is a Czech joint-stock company incorporated under the laws of the Czech Republic and engaged in the manufacture of automobiles and their sale domestically and internationally. It has been so engaged since 1925 and has developed a prestigious reputation for its goods and services. In particular, it has become identified with the trademark for SKODA which it has registered in many countries including the Czech Republic and Canada and which has been used by the Complainant in its business for many years. The Registrant is domiciled or resident in Canada.
2. The Complainant satisfies the Canadian Presence Requirements of the Policy as it is the owner of the registered Canadian trademark for SKODA, application number 1128626, registered on November

- 25, 1937 and numerous other registered Canadian trademarks for SKODA and SKODA AUTO (collectively “the SKODA trademark”).
3. The Complainant uses the SKODA trademark in the provision of its goods and services and it is uniquely identified with the Complainant as the brand under which it makes and sells its products.
 4. The SKODA trademark is “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 is “a trade-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 from the wares, services or business of another person” within the meaning of paragraphs 3.1 and 3.2 of the Policy.
 5. The respective trademarks constituting the SKODA trademark were registered progressively between 1937 and 2002, are current and were current prior to the date of registration of the domain name. The Registrant registered the <skoda-auto.ca> domain name on July 24, 2019 (“the disputed domain name”).
 6. The disputed domain name includes in its entirety the SKODA trademark to which the Registrant has added a hyphen, the generic word “auto” and the Country Code Top-Level domain “.ca” for Canada.
 7. The disputed domain name is confusingly similar to the SKODA trademark as the domain name includes the SKODA trademark and, together with the generic word “auto”, so clearly resembles it in appearance, sound or the ideas suggested by the trademark as to be likely to be mistaken for it, within the meaning of paragraph 3.3 of the Policy. Moreover, the SKODA trademark is 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 such rights.

8. The Registrant has caused the disputed domain name to resolve to a website at www.skoda-auto.ca ("the Registrant's Website") which is currently inactive and the domain name does not resolve to an active website.
9. On November 24, 2025 the Registrant caused a communication to be directed to the Complainant via the Complainant's official information email line looking for a buyer of the domain name and by that means directly solicited the Complainant's interest in buying the domain name.
10. The Complainant submits that it makes out a *prima facie* case that the Registrant has no legitimate interest in the disputed domain name on the following grounds:
 - (a) the Registrant is not affiliated with the Complainant or any related company;
 - (b) the Registrant is not commonly known by the disputed domain name;
 - (c) the Registrant does not own any trademark or other registration in Canada that corresponds to the disputed domain name;
 - (d) the Registrant is not an employee, agent, representative or affiliate of the Complainant;
 - (e) the disputed domain name does not resolve to an active website and appears to be held passively;
 - (f) the Registrant has not used the domain name for a legitimate noncommercial or fair purpose within the meaning of the Policy; and

(g) there is no other ground on which it could conceivably be argued that the Registrant has a legitimate interest in the domain name.

11. The Complainant submits that it has therefore provided evidence that the Registrant has no legitimate interest in the disputed domain name.

12. The Registrant has registered and used the disputed domain name in bad faith. That is so for the following reasons:

(a) the Registrant's primary purpose in registering the domain name was to sell, rent, or otherwise transfer it to the Complainant;

(b) the Registrant's aforesaid conduct comes within the meaning of paragraph 3.5(a) of the Policy as the Registrant's conduct was an offer to sell the domain name to the Complainant as is shown by the Registrant's aforesaid communication to the Complainant;

(c) the disputed domain name remains inactive and has been used by the Registrant to hold the Complainant to ransom;

(d) the effect of the Registrant's aforesaid conduct has been to deny the Complainant scope for reflecting its SKODA trademark in the ".ca" domain;

(e) there is no other circumstance under which it could conceivably be argued that the Registrant's registration of the domain name was other than in bad faith.

13. The Complainant therefore contends that it has made out all of the elements required to be proved under the Policy and requests that for the aforesaid reasons the disputed domain name should be transferred to it.

REGISTRANT

The Registrant makes the following contentions.

1. The Registrant does not dispute that the Complainant owns trademark rights to SKODA.
2. The Registrant does not dispute that the disputed domain name is confusingly similar to the SKODA trademark.
3. However, the Registrant submits that it has a legitimate interest in the disputed domain name.
4. The Registrant did not register the disputed domain name in bad faith.
5. The Registrant was born in Czechoslovakia and has long been a Skoda enthusiast.
6. The Registrant intended to develop a non-commercial, informational website for Skoda enthusiasts in Canada, where the Registrant lives and in 2019 he registered the domain name for that purpose.
7. Because of unforeseen circumstances, including the COVID-19 pandemic, development of the website was delayed. However, the Registrant has carried out preliminary work on the site and it is now active.
8. The Registrant has never offered the domain name for sale to the public or third parties and has made only one inquiry to the Complainant to determine if it might have an interest in the domain name.

9. The domain name has never been used to mislead internet users or to suggest affiliation with the Complainant.
10. The Registrant is not in the business of registering domain names for sale and the disputed domain name is the only domain name of this nature registered by the Registrant.
11. The domain name has not been used in any way that would mislead users or create confusion.
12. Accordingly, the Complainant should be dismissed and the domain name should remain with the Registrant.

5. DISCUSSION AND FINDINGS

5.1 Eligibility

As this proceeding is brought under the CIRA Policy, Paragraph 1.4 of the Policy applies, and it provides as follows:

“1.4 Eligible Complainants. The person initiating a Proceeding (the “Complainant”) must, at the time of submitting a complaint (the “Complaint”), satisfy the Canadian Presence Requirements for Registrants (**the “CPR”**) in respect of the domain name that is the subject of the Proceeding unless the Complaint relates to a trade-mark registered in the Canadian Intellectual Property Office (“**CIPO**”) and the Complainant is the owner of the trade-mark.”

In the present case, the Complainant has clearly established that this proceeding “relates to a trade-mark registered in the Canadian Intellectual Property Office (“**CIPO**”) and that the Complainant is the owner of the trade-mark.” That is so because the evidence shows that the Complaint relates to the registered Canadian trademark for

SKODA, application number 1128626, registered with the Canadian Intellectual Property Office (“CIPO”) on November 25, 1937. The Complaint relates to that trademark because the basis of the Complaint is that the Complainant has and at all material times had rights in that trademark. Indeed, the Complaint also relates to numerous registered Canadian trademarks for SKODA and SKODA AUTO which are collectively referred to herein as “the SKODA trademark”. Accordingly, the Complainant has qualified itself within the meaning of paragraph 1.4 of the Policy and thus has standing to institute the proceeding.

In any event, the Registrant has conceded that the Complainant has trademark rights in SKODA.

5.2 Requirements of the Complaint.

1. In accordance with Paragraph 3.1, the Registrant must submit to this proceeding if the Complaint asserts 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 domain name and continues to have such rights.
2. It is apparent from reading the Complaint that it asserts this requirement. Accordingly, the Panel finds that the Registrant must submit to this proceeding, which in any event it has done by filing a Response.
3. However, to succeed in this proceeding, Paragraph 4.1 of the Policy, puts the onus of proof on the Complainant to prove on a balance of probabilities, and the Complainant must provide some evidence, that:

- (a) 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 continues to have such Rights: and
- (b) the Registrant has no legitimate interest in the Disputed Domain Name; and
- (c) the Registrant registered the Disputed Domain Name in bad faith.

The Panel will consider each of these requirements in turn.

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

The first question that arises is whether the Complainant has a trademark on which it may rely in this proceeding. As has just been noted, that requirement comes from Paragraph 4.1 of the Policy which provides that the Complainant must establish 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 domain name and continues to have such rights. Thus, it must first be established that the Complainant has a “Mark”, defined in paragraph 3.2.3 of the Policy to include “a trade-mark, including the word elements of a design mark, that is registered in CIPO...”.

The Complainant has relied on 5 trademarks the first of which is the registered Canadian trademark for SKODA, application number 1128626, registered by the Complainant in the Canadian Intellectual Property Office (“CIPO”) on November 25, 1937 and on a series of

other registered trademarks for SKODA and SKODA AUTO (collectively “the SKODA trademark”).

All of the foregoing trademarks has been proved by documentary evidence that the Panel has examined and finds to be in order. They were also, on the evidence, all registered prior to the date on which the Registrant registered the disputed domain name.

In its Response, the Registrant has expressly conceded that the Complainant has the trademark rights that it must establish.

Thus, the Complainant has shown that it has a “Mark in which the Complainant had Rights prior to the date of registration of the domain name and continues to have such rights”, within the meaning of paragraph 3.1.1 of the Policy.

The next question that arises is whether the disputed domain name is confusingly similar to the SKODA trademark.

It should here also be noted that the Registrant in its Response has expressly conceded that the disputed domain name “may therefore be considered confusingly similar” to the SKODA trademark. Despite that concession, the Panel will proceed to consider whether on the evidence the Complainant has established that the domain name is confusingly similar to the trademark.

In that regard, it must be noted that as well as the SKODA trademark, the domain name includes a hyphen, the generic word “auto” and the Country Code Top-Level domain “.ca” for Canada.

The formula to be used to answer the question whether the domain name is confusingly similar to the trademark is that set out in paragraph 3.3 of the Policy which is as follows:

“ 3.3 “Confusingly Similar”. 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 self-evident that the domain name so clearly resembles the trademark in its appearance that it is more than likely to be mistaken for the trademark. The domain name includes the word “skoda” as its first and dominant portion and also includes the entire SKODA AUTO trademark.

It is also clear that the domain name so resembles the trademark in the ideas suggested by the trademark, namely the renown and prestige of the long-established business of the Complainant and the SKODA vehicles its produces, that internet users are likely to mistake it for the trademark. The presence of the hyphen and similar symbols is disregarded for the purpose of the comparison as they are far too minor to have any real effect. Likewise, in making the comparison between the domain name and the trademark, the country code is ignored, as all domain names must have such an extension and its presence does not tell us one way or the other whether the domain name is confusingly similar to the trademark. Thus, considering all of these factors, the domain name is confusingly similar to the trademark, as internet users would undoubtedly see it as so nearly resembling the mark in appearance,

sound and also the ideas suggested by the mark as to be likely to be mistaken for the Mark.

The domain name is thus confusingly similar to the trademark and the Complainant has satisfied the requirements of paragraph 4.1 of the Policy.

5.4 Whether the Registrant has No Legitimate Interest in the Domain Name.

The Complainant submits that the Registrant does not have a legitimate interest in the domain name and that as a consequence it, the Complainant, can show that it has met the requirements of Paragraph 4.1.3 of the Policy, which are that “the Registrant has no legitimate interest in the domain name as described in paragraph 3.4.”

The Registrant submits, in opposition to that contention, that he does have a legitimate interest in the domain name because he can bring himself within the requirements of paragraph 3.4. That provision sets out the criteria which will establish that result. That is so because it provides as follows.

“3.4 Legitimate Interests. For the purposes of paragraphs 3.1(b) and 4.1(c), any of the following circumstances, in particular but without limitation, 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:

1. the domain name was a Mark, the Registrant used the Mark in good faith and the Registrant had Rights in the Mark;

2. the Registrant registered 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;
3. the Registrant registered 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;
4. 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;
5. the domain name comprised the legal name of the Registrant or was a name, surname or other reference by which the Registrant was commonly identified; or
6. the domain name was the geographical name of the location of the Registrant's non-commercial activity or place of business".

Having regard to that provision, it is clear from the Panel's "evaluation of all evidence presented", that the Registrant cannot bring itself within the criteria set out in Paragraph 3.4 (1), (2), (3), (5) or (6). Indeed, the Registrant has not submitted or provided any evidence that the facts bring the domain name and the Registrant's use of it within any of those criteria. The Panel therefore finds that the Registrant cannot establish that he has a legitimate interest in the domain name by virtue of any of the provisions of Paragraph 3.4 (1), (2), (3), (5) or (6) of the Policy.

The provisions of Paragraph 3.4.4, however, require a closer scrutiny. That is because the Registrant has submitted that his intention was to set up a non-commercial, informational website for Skoda enthusiasts in Canada, in effect a fan site, and that he has done so. The task of the Panel, therefore, is to evaluate “all (the) evidence presented” and conclude whether or not the Registrant has shown that he has “used the domain name in Canada in good faith in association with a non-commercial activity including, without limitation, criticism, review or news reporting;...”.

In undertaking this task, the Panel must have regard to certain principles which are well-established and which are in any event common sense. The first is that the Complainant must establish a *prima facie* case that the Registrant does not have a legitimate interest within the meaning of Paragraph 3.4.4. That principle has long been established in cases brought under the Canadian Policy and under the analogous Uniform Domain Name Dispute Resolution Policy (“UDRP”) where many decisions have confirmed this principle. The second principle is that, as this is a civil proceeding, the standard of proof of the contentions of both parties is the balance of probabilities; this is confirmed by the terms of Paragraph 4.1 dealing with the onus of proof. The third principle is that the Panel’s conclusion, as Paragraph 3.4 expressly states, must be “proved”, and “based on (the Panel’s) “evaluation of all (the) evidence presented...”.

Applying those principles, Panel finds that the Complainant has made out a *prima facie* case that the Registrant has not used the domain name “in association with a non-commercial activity including, without limitation, criticism, review or news reporting;...”. That *prima facie* case comes from the evidence that:

- (a) the domain name was registered on July 24, 2019 and it was from that date a potentially illegitimate domain name because it incorporated the Complainant's trademark without permission, a trademark that the Complainant had held and used since 1937;
- (b) from that date the Registrant used the domain name by retaining it, presumably renewing the registration and by that means continually asserting that it had the right to use the Complainant's trademark in a domain name, which it clearly did not;
- (c) also from that date and until in all probability very recent times, the domain name has not been used for anything at all, either for "a non-commercial activity including, without limitation, criticism, review or news reporting;..." or anything else; indeed, the Wayback Machine at www.archive.org shows that the domain name has never been used since July 24, 2019 and certainly not for a legitimate purpose; thus, the Registrant has registered a domain name that for most of its life it, the Registrant, has not used; in particular, there is no evidence that, at least until very recent times, the Registrant has used the domain name for "criticism, review or news reporting" or any other "non-commercial activity".

Put in different words which are the equivalent of *prima facie*, it is plausible that the Registrant has not used the domain name "in association with a non-commercial activity including, without limitation, criticism, review or news reporting;...", although that plausibility may be negated if there is adequate evidence to justify doing so.

Thus, in the terms of the Policy the Complainant has made out a *prima facie* case that the Registrant has not used the domain name “in association with a non-commercial activity including, without limitation, criticism, review or news reporting;...”, or another non-commercial activity.

The Panel’s task is then to see if the Registrant has rebutted that *prima facie* case on the balance of probabilities and having regard to the Panel’s “evaluation of all (the) evidence presented...”.

The Registrant’s case is that:

- (a) he always intended to register a domain name that he would use for a “non-commercial, informational website” for Skoda enthusiasts in Canada;
- (b) he got as far as registering the domain name and keeping it, but until recently he had not got as far as creating any content for his website; and
- (c) he has recently undertaken preliminary work on the website which is now active.

The Panel’s task is therefore to assess if this is true and, if so, whether it shows that the Registrant has “used” the domain name “in association with a non-commercial activity including, without limitation, criticism, review or news reporting;...”, or another non-commercial activity. If he has done so, he will have a defence to the proceeding. If not, the result will be that the domain name will be transferred to the Complainant.

The Registrant's evidence in support of his case consists of the Response, signed by the Registrant. In the Response, he gives one reason why he has not yet set up a non-commercial, informational website for Skoda enthusiasts in Canada. That reason is that it was due to "unforeseen circumstances, including the COVID-19 pandemic...". The Panel is not at all persuaded by that argument. First, the Panel notes that the excuse is not confined to the restraints of COVID-19, but was also due to "unforeseen circumstances". The Registrant has not shared with the Panel what those other unforeseen circumstances were or may have been. In the absence of evidence of what they were, the Panel is not prepared to accept them as a valid reason why the Registrant has not set up his website. If the Registrant will not divulge to the Panel all of the circumstances it relies on, it can scarcely complain that the Panel does not give effect to them. The Registrant is in effect asking the Panel to speculate on what those circumstances might be, which of course the Panel is unable to do and will not do.

Thus, the only reason advanced is COVID-19. The Panel does not accept that argument and at best it is dubious and cannot be a ground for rebutting the *prima facie* case established by the Complainant. There is no evidence offered as to whether the Registrant himself was restricted by COVID-19 from doing this work or how it restricted him, and the Panel is therefore again being left to speculate on whether he was or was not so restricted; this is quite inadequate as a basis for finding that the Registrant has a rational explanation for why he has remained inactive since July 24, 2019 and why he cannot point to any overt act that might show that he

has used the domain name for the informational site for which he contends or indeed for anything else. The Registrant has had since July 24, 2019 to set up his website which is more than long enough to do so and the fact that he has not done so militates strongly against his argument. In fact, the Panel is of the view that the Registrant, in all probability, did not primarily intend to set up an informational website but had an eye to the main chance to try to sell the domain name to the Complainant, or a competitor, even if under the guise of setting up an informational site as part of its machinations of holding the Complainant to ransom.

In any event, the Registrant's argument is presumably that the restrictive effect of COVID has continued and covers the whole period from July 24, 2019 until the present or at least until the Complainant was filed on March 4, 2026. This seems to the Panel to be an exaggeration and to ignore such milestones that are easily discernible as the statement by the Public Health Agency of Canada on September 26, 2022 that: "Today the Government of Canada announced the removal of all COVID-19 entry restrictions, as well as testing, quarantine, and isolation requirements for anyone entering Canada, effective October 1, 2022"¹. At very least, therefore, the Registrant has had since September 26, 2022 or thereabouts ample time and opportunity to set up his website if this were his primary intention, of which the Panel is dubious.

¹ <https://www.canada.ca/en/public-health/news/2022/09/government-of-canada-to-remove-covid-19-border-and-travel-measures-effective-october-1.html>

Thus, these considerations, if anything, confirm the Complainant's *prima facie* case, rather than militate against it.

The Registrant, however, also advances the argument that he has in latter days taken steps and, it seems, since the filing of the Complaint, to establish his informational website for Skoda aficionados and that "(t)he website is currently active but the work is not completed. See attached screenshot". The Panel does not see such a screenshot attached to the Response and it is not included in the file provided to the Panel. However, the domain name is now "active" and the Registrant has in effect invited the Panel to look at the website to see his handiwork.

It is not clear on what date this website was first launched and the Wayback machine does not reveal it, up to the present date²; the website does, however, carry the date "2026". The website is "active" at least to the effect that, when entered, the domain name resolves to what is clearly intended to be the Registrant's website. The Panel has naturally examined the website and the following is what the Panel has been able to discern of its contents.

The website announces that its name or title is "Skoda Fans Canada", with the subheading "Skoda enthusiast in Canada." This raises the immediate question of why, if the Registrant had been minded to establish a website for Skoda fans or enthusiasts, it did not say so in the formulation of a domain name <skodafanscanada.ca>, which is still available for registration³, or <

² https://web.archive.org/web/20240115000000*/www.skoda-auto.ca

³ <https://www.godaddy.com/en-au/domainsearch/find?domainToCheck=skodafanscanada.ca>

<skodaenthusiastincanada.ca>, which is also still available⁴. This casts considerable doubt on the Registrant's bona fides.

Leaving that aside, the Panel's concern is not so much with the nomenclature of the domain name but with the contents of the proposed website. The website is divided into 6 categories, Home, About, Find, Cars, History and Disclaimer. The Home and About categories describe the site as being to "share information and passion for Škoda cars". The History category sets out a short history of the brand, with links to "General overview about Škoda", "Škoda museum", "Škoda museum wiki", and "You tube - History of Škoda Auto: Iconic cars, development, and evolution". The Disclaimer category states that "This is an independent fan website and is not affiliated with Škoda Auto. All trademarks belong to their respective owners". But it is the "Find Cars" category that has particularly attracted the Panel's attention. This opens with the further heading "Find Škoda Cars", with 3 links to other sites, Sauto.cz, Autobazar.eu, and Mobile.de. The Sauto.cz site, a Czech site, provides details of 15 brands of motor vehicle, only the 15th being Skoda and all of the others of which are competing brands of motor vehicle. The Autobazar.eu website as its name implies is directed to the European market, can be translated into English, appears to be a market for new and used motor vehicles in Europe and contains information on a broad range of motor vehicles, the first and most prominent of which are Kia, Mercedes-Benz and Kia, although some Skoda vehicles are also offered. The Mobile.de site is a German website, can be translated into English and is a market

⁴ <https://www.godaddy.com/en-au/domainsearch/find?domainToCheck=skodaenthusiastcanada.ca>

for motor vehicles the first and most prominent of which are BMW, Hyundai and Citroen, although some Skoda vehicles are also offered.

Thus, it is clear that the Registrant's proposed website is not directed to any site to promote the blandishments of the Skoda but appears to be intended largely to promote and offer for sale many brands of motor vehicle in competition with Skoda, and not necessarily in Canada. Nor do those sites say anything at all about the one subject the Registrant claims he is passionately addressing and is interested in, namely material for an informational or fan site for Skoda aficionados. Indeed, the website's main contribution on Skoda is a link to the Wikipedia page on Skoda which any enthusiast would be able to find without the website.

Putting all of this evidence together, the Panel makes its "evaluation of all evidence presented" by finding that the Registrant has not used the domain name, even with its very recent preliminary work, "in association with a non-commercial activity including, without limitation, criticism, review or news reporting;...".

Thus, the Registrant has not shown that it has, even at this late hour, rebutted the *prima facie* case against it and the *prima facie* case must therefore stand.

The Panel also makes a finding for the purposes of paragraph 4.1, dealing with the onus of proof, that the Registrant has not proved, on a balance of probabilities, that it "has a legitimate interest in the domain name as described in paragraph 3.4."

The Registrant has therefore not brought itself within any of the criteria for a legitimate interest in the domain name as set out in paragraph 3.4 of the Policy.

Accordingly, the Complainant has succeeded on this, the second element it is required to prove.

5.5 Whether the Registrant registered the disputed domain name in bad faith.

The Complainant has submitted that the Registrant registered the disputed domain name in bad faith substantially on one ground. That ground is contained in Paragraph 3.5.1 of the Policy and it is that:

“1. 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;...”

The Panel finds on the balance of probabilities that the Registrant’s conduct falls squarely within that provision.

The evidence in that regard is that, as is seen from Attachment 1 to the Complaint, the Registrant wrote to the Complainant on November 24, 2025, stating:

“I have been the owner of the domain skoda-uto.ca for several years. I am currently looking for a buyer and would like to ask if you are interested in purchasing this domain.”

Thus, the Registrant was the first party to set the possible sale of the domain name in motion and made an obvious offer to the Complainant to sell the domain name to it. The Panel also finds on the balance of probabilities that the Registrant was offering the domain name for sale at a price in excess of its, the Registrant's, costs of registration and that if it could not sell the domain name to the Complainant, he would then have tried to sell it to a competitor of the Complainant.

In reply to this, the Registrant says that this was only "a single inquiry", that it was made in "good faith" and that he had not offered to sell any other domain name. This is sheer sophistry and the Panel does not accept that explanation. Indeed, the Registrant's statement that he is "not engaged in the business of registering domain names for resale" and that "(t)his is the only domain name of this nature registered by the Registrant" is a virtual admission that the proposed sale of this domain name was in fact one that had been registered for resale.

The Panel therefore accepts the Complainant's submission on this issue and rejects the Registrant's response.

The Panel also accepts the Complainant's submission that the Registrant's conduct has prevented the Complainant from reflecting its trademark in the Canadian ".ca" domain.

The Complainant has therefore established this, the third element that it is required to prove.

6 DECISION and ORDER

The Complainant has made out all of the elements that it must establish under the Policy and is entitled to the relief that it seeks, namely transfer of the registration of the disputed domain name to the Complainant.

For the above reasons, in accordance with Paragraph 4 of the CDRP and Paragraph 12 of the Resolution Rules, the Panel orders that: the <skoda-auto.ca> domain name be transferred to the Complainant.

Made as of March 31 , 2026

SIGNATURE OF PANEL

The Honorable Neil Anthony Brown KC

James Bridgeman, SC

Gerald M. Levine, Esq.