



## CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

### DOMAIN NAME DISPUTE

### ADMINISTRATIVE PANEL

### DECISION

CIIDRC case number:	<b>26854-CDRP</b>	Decision date: <b>April 24, 2026</b>
Domain Name:	<b>&lt;getcanadanuans.ca&gt;</b>	
Panel:	<b>Zak Muscovitch (Chair)</b> <b>Richard Levy</b> <b>Alan Limbury</b>	
Complainant:	<b>Department of Innovation, Science and Economic Development  Canada - Corporations Canada</b>	
Registrant:	<b>Amirah Binti Haji Yussof</b>	

## 1. PROCEDURAL HISTORY

This proceeding arises under the Canadian Internet Registration Authority (“CIRA”) Domain Name Dispute Resolution Policy (the “Policy”) and concerns the domain name, <getcanadanuans.ca> (the “Domain Name”).

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre (“CIIDRC”) to the Panel dated April 14, 2026:

(a) On March 13, 2026, a Complaint was filed with CIIDRC on behalf of the Complainant pursuant to the Policy and the Domain Name Dispute Resolution Rules (the “Rules”). CIIDRC reviewed the Complaint for administrative compliance and confirmed that it satisfied the formal requirements of the Policy and the Rules. The required commencement fee was paid on March 18, 2026.

(b) On March 18, 2026, the Canadian Internet Registration Authority (“CIRA”) transmitted by email to CIIDRC its verification response confirming that the Registrant of the Domain Name is Amirah Binti Haji Yussof. CIRA also confirmed that the Domain Name was placed on Registrar Lock. According to CIRA’s confirmation, the Domain Name was registered on January 26, 2023.

(c) Pursuant to 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 March 19, 2026.

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(d) On March 31, 2026, the Registrant filed a Response to the Complaint.

(e) The Complainant paid the required Panel fee on April 9, 2026.

(f) In accordance with Paragraph 6 of the Rules, CIIDRC appointed a three-member Panel consisting of Alan Limbury and Richard Levy as Panelists and Zak Muscovitch as Chair of the Panel. Each member of the Panel has submitted a Statement of Acceptance and Declaration of Impartiality and Independence in accordance with Paragraph 7 of the Rules.

The Panel reviewed the record and finds that it was properly constituted and has jurisdiction to decide this dispute.

## 2. FACTS

The Complainant, Department of Innovation, Science and Economic Development Canada – Corporations (the “Department” or the “Complainant”) is a department of the Government of Canada responsible for, among other things, the administration of the NUANS system. The NUANS system provides search reports to the public relating to corporate names and trademarks. For decades, someone wishing to use a particular corporate name for a corporation under the Canada or a provincial corporation authority has had to accompany their request with a NUANS report. Access to NUANS reports operates through a network that includes intermediaries who assist customers in obtaining such reports.

The Complainant relies upon rights in the mark “NUANS”, including a Canadian Official Mark consisting of the word “NUANS”, advertised on August 27, 1980 pursuant to section 9 of the *Trademarks Act*, and a Canadian registered trademark consisting of the same word mark, NUANS, registration No. TMA689041, registered on March 15, 2007 in association with services relating to the provision of corporate, business, trademark, and trade name reports. These marks are recorded with the Canadian Intellectual Property Office (collectively, the “NUANS Marks”).

The Domain Name was registered on January 26, 2023 by Amirah Binti Haji Yussof (the “Registrant”).

Following registration of the Domain Name, the Registrant used the Domain Name to operate a website through which it offered NUANS reports and related services. The evidence shows that the Registrant processed customer orders, received payment, and delivered NUANS reports to customers.

On August 12, 2024, the Registrant entered into a NUANS Services Contract (the “Agreement”) with CGI Information Systems and Management Consultants Inc. (“CGI”), which administers access to the NUANS system on behalf of the Department. The party that entered into the Agreement with CGI is identified as “Express NUANS Canada.” The Registrant signed the Agreement on behalf of Express NUANS Canada (“ENC”).

Beginning in September 2025, the Complainant raised concerns regarding the Registrant’s use of the NUANS Marks, including allegations of unauthorized use and implications of affiliation with the Government of Canada. Correspondence was sent in September, November, and December 2025 requesting that the Registrant cease using the word NUANS in any domain name, including the Domain Name and in any email addresses and business entities including ENC, and make changes to its website, namely remove all references that imply affiliation with the Government of Canada.

The record indicates that the Registrant’s website included disclaimers identifying it as an independent service provider, although the timing and extent of such disclaimers is not entirely clear and their placement appears to have occurred following communications from the Complainant.

When Registrant did not agree to remove the formative NUANS from the Domain Name and other instances of use that formative, the Complainant asked CGI to suspend the account of ENC and CGI suspended the account on December 3, 2025.

### **3. CONTENTIONS OF THE PARTIES**

#### **A. Complainant**

The Complainant submits that the Domain Name is identical or confusingly similar to the NUANS Marks, in which it has established rights.

The Complainant further submits that the Registrant has no legitimate interest in the Domain Name and is not authorized to use the NUANS Marks.

The Complainant contends that the Registrant has used the Domain Name to attract Internet users for commercial gain by creating a likelihood of confusion with the NUANS Marks as to the source, sponsorship, affiliation, or endorsement of the associated website. The Complainant contends that this usage, *inter alia*, demonstrates that the Domain Name was registered in bad faith.

The Panel notes that the Complainant alleges that the Registrant's use of the NUANS Marks in the Domain Name, the Registrant's business name, and the presentation of NUANS-related services creates a likelihood of confusion as to source, sponsorship, affiliation or endorsement, and relies on evidence said to suggest an affiliation with the NUANS system operated by CGI on behalf of the Government of Canada.

The Complainant relies, *inter alia*, on correspondence sent to the Registrant requesting that it cease use of the NUANS mark in domain names, business names, and email addresses, and make changes to the website to address concerns regarding potential implications of affiliation with the Government of Canada.

#### **B. Registrant**

The Registrant submits that it has a legitimate interest in the Domain Name, which it has used in connection with a bona fide offering of services relating to NUANS reports.

The Registrant contends that it operates an active business providing administrative assistance to customers seeking NUANS reports and related services, including processing customer orders, receiving payment, and delivering reports.

The Registrant further submits that both before and after it became a member or "Customer" of the NUANS system, by virtue of its contract with CGI, it operated as an authorized NUANS user, and that its activities are consistent with the structure of the NUANS system, which includes intermediaries who assist customers in obtaining NUANS reports.

The Registrant submits that its use of the term "NUANS" in the Domain Name <getcanadanuans.ca> is descriptive of the services offered and reflects the nature of the services provided.

The Registrant denies that it has attempted to mislead users or suggest affiliation with the Government of Canada and states that its website identifies it as an independent service provider.

The Registrant further submits that there is no evidence of actual confusion among users and that the Complainant's evidence includes correspondence from a third-party competitor in the same industry rather than from actual customers.

The Registrant submits that any failure to respond to the Complainant's correspondence regarding allegations of infringement of the NUANS Marks was the result of administrative or communication issues rather than bad faith.

#### 4. REQUIREMENTS

Pursuant to paragraph 4.1 of the Policy, to succeed in this proceeding, the Complainant must prove on a balance of probabilities that:

- (a) the Domain Name is confusingly similar to a Mark in which the Complainant had Rights prior to the date of registration and continues to have such Rights; and
- (b) the Domain Name was registered in bad faith as described in paragraph 3.5 of the Policy;  
and must provide some evidence that:
- (c) the Registrant has no legitimate interest in the Domain Name as described in paragraph 3.4.

Even if (a) and (b) are established and some evidence is provided of (c), the Registrant will succeed if it establishes, on a balance of probabilities, that it has a legitimate interest in the Domain Name.

#### 5. ELIGIBILITY

Paragraph 4.1 of the Policy requires that the Complainant satisfy the Canadian Presence Requirements for Registrants (the “CPR”) in respect of the Mark relied upon.

The Complainant is the Department of Innovation, Science and Economic Development Canada – Corporations Canada, a department of the Government of Canada. The NUANS Marks are recorded in the name of Her Majesty the Queen in right of Canada as represented by that department.

The Panel is satisfied that the Complainant meets the Canadian Presence Requirements and is entitled to bring this Complaint under the Policy.

#### 6. CONFUSINGLY SIMILAR

Paragraph 3.3 of the Policy requires the Complainant to establish that the Domain Name is confusingly similar to a “Mark” in which it has rights. The Policy defines a “Mark” as, inter alia, a trademark registered in Canada or an official mark in which the Complainant has rights.

The Policy further provides that 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 Complainant has established rights in the NUANS Marks as described above and the Complainant’s Official Mark and registered trademark each qualify as a “Mark” as understood by the Policy.

The Domain Name <getcanadanuans.ca> incorporates the NUANS Marks in their entirety. The additional words “get” and “Canada” are ordinary descriptive terms.

The addition of such descriptive or geographic terms does not prevent a finding of confusing similarity where the Mark remains recognizable within the Domain Name. The role of such additional wording may, however, be more appropriately considered, if at all, in the assessment of the remaining elements of the Policy.

Applying the test set out in paragraph 3.3 of the Policy, the Panel considers whether the Domain Name so nearly resembles the NUANS Marks in appearance, sound or the ideas suggested by the NUANS Marks as to be likely to be mistaken for them.

In this case, the NUANS Marks remain clearly recognizable within the Domain Name and despite the additional descriptive and geographic terms included in the Domain Name, 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 within the meaning of the Policy. As noted above, the effect, if any, of the additional descriptive words is more appropriately considered in the assessment of the remaining elements.

Accordingly, the Panel finds that the Domain Name is confusingly similar to the NUANS Marks within the meaning of Paragraph 3.3 of the Policy.

## **7. REGISTRATION IN BAD FAITH**

The Panel addresses bad faith at the time of registration first, as the element of “having a legitimate interest” is suffused with considerations of bad faith and the circumstances analyzed here are also relevant in the Panel’s consideration of “legitimate interest.”

Pursuant to paragraph 4.1(b) of the Policy, the Complainant must prove that the Domain Name was registered in bad faith as described in Paragraph 3.5. Paragraph 3.5 provides that certain circumstances, “in particular but without limitation”, if found by the Panel to be present, shall be evidence that the Domain Name was registered in bad faith.

The Panel recognizes that post-registration conduct may, in appropriate circumstances, assist in determining the Registrant’s intention at the time of registration. Nevertheless, the focus of the inquiry remains the Registrant’s intention when the Domain Name was registered.

The Domain Name was registered on January 26, 2023. The Registrant did not enter into the Agreement with CGI until August 12, 2024. At the time of registration, the Registrant was not yet subject to that contractual framework. There is no evidence that, when the Domain Name was registered, the Registrant was aware of the terms or the likely terms of any future agreement it might enter into governing use of the NUANS Marks, nor that the Registrant registered the Domain Name with an intention to act inconsistently with such requirements.

The Complainant contends that the Registrant has used the Domain Name to attract Internet users for commercial gain by creating a likelihood of confusion with the NUANS Marks as to source, sponsorship, affiliation, or endorsement, and further relies on evidence said to suggest an affiliation with the official NUANS system operated by the Government of Canada.

The evidence shows that the Domain Name has been used, both before and after ENC contracted with CGI to become a member of the NUANS system, in connection with a commercial website offering NUANS-related services. It is also clear that the Registrant processed customer orders, received payment, and delivered NUANS reports to customers.

This was not a passive holding, a parking page, a phishing site, or a website unrelated to NUANS services. The use was commercial, but it was also tied to the actual provision of NUANS-related services.

The Panel also notes that the Registrant’s website also provides corporate reporting management, trademark surveillance and registration and copyright registration services – which the Panel believes are related to and downstream from NUANS name search services.

The Panel further notes that the Complainant’s concern is directed to the Registrant’s use of the NUANS Marks in the Domain Name, the Registrant’s business name, and the presentation of NUANS-related services, in a manner that Complainant alleges implies affiliation with the official NUANS system. In other words, Complainant does not allege that Complainant makes any expressly misleading statements or other clear misrepresentations as to affiliation with the Complainant or the Government of Canada in particular.

A domain name that incorporates a recognized mark and offers services closely associated with that mark can, in some circumstances, support an inference of targeting customers of the owner of the mark or implied affiliation. The

issue, however, is whether in the circumstances at hand - including, in particular, the Registrant's use of the NUANS Marks in the Domain Name and the alleged resulting implication of affiliation - are sufficient to establish that the Domain Name was registered in bad faith, in January 2023, within the meaning of the Policy.

On that question, the Panel is not persuaded. As mentioned above, the record does not disclose any clear or deliberate attempt by the Registrant to pass itself off as the Complainant, to imitate the Complainant's website or official branding, or otherwise to deceive users as to the source of the services. More importantly, the evidence shows that the Domain Name has been used in connection with an active business offering NUANS-related services, such that the use of the term "NUANS" corresponds to the very services being provided, rather than being used to divert users to unrelated offerings or to exploit the NUANS Marks as a pretext for unrelated commercial gain.

The Panel also notes that the Registrant provides some evidence of a broader practice in which NUANS-related services are offered by intermediaries using the term "NUANS" in domain names and business names to describe those services. This contextual background does not in itself, determine whether such use is permissible, but it is relevant in assessing by retrospective inference whether the Registrant registered the Domain Name in bad faith in January 2023 within the meaning of the Policy.

In these circumstances, the absence of evidence of deliberate deception, and the broader context in which NUANS services are offered through intermediaries, the Panel is not satisfied that the Registrant's conduct, both at the time of registration and later, crosses the threshold required to establish bad faith registration within the meaning of the Policy.

The Panel has also considered the significance of the Agreement. The Complainant relies upon the obligations of ENC in the Agreement to use the NUANS Marks only in limited ways to argue that the Registrant's use of the NUANS Marks posterior to the Agreement was unauthorized. The Panel does not read the Agreement as containing any express prohibition on the use of the NUANS Marks in a domain name or business name. Rather, the Agreement limits the use of the NUANS Marks to NUANS-related services. It is, at best, ambiguous as to any restrictions on the use of the NUANS Marks in a domain name or business name.

That conclusion is reinforced by the fact that CGI entered into the Agreement with an entity operating under the name "Express NUANS Canada". While not determinative, this fact is significant. It suggests that the Registrant's use of a NUANS-formative business name was treated by CGI (the entity chosen by the Complainant to contract with members of the NUANS system) as permissible within the contractual framework. In other words, the Complainant, through CGI, not only permitted the Registrant to do business as Express NUANS Canada for a period of time *after* the Agreement was signed but, *at the very time* of signing, made no objection to contracting with the Registrant through his business name in which NUANS is the distinctive and prominent feature. At a minimum, the Agreement does not clearly establish that such use was prohibited.

The Panel has also considered the Registrant's conduct after receiving notice from the Complainant. The Complainant sent multiple communications asserting unauthorized use and requesting changes. The Registrant did not respond at the time, which is not ideal. However, the evidence also suggests that the website later included new or clarified existing disclaimers indicating that the Registrant was an independent provider, although the timing and extent of such changes is not entirely clear. In these circumstances, the Registrant's post-notice conduct does not justify retrospectively attributing bad faith to the date of registration.

The Panel has further considered whether this dispute is more properly characterized as one concerning interpretation of ambiguous contractual provisions, including those pertaining to permitted trademark use, and the permissible scope of third-party use within the NUANS ecosystem, rather than a case of abusive domain name registration as understood by the Policy.

In *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, an influential 2001 decision under the UDRP, the panel considered the circumstances in which a party operating within a distribution or service network may use

a complainant's mark in a domain name in connection with the provision of related goods or services. While the CDRP is distinct from the UDRP, such reasoning can, in appropriate circumstances, be informative. Subsequent decisions, as reflected for example in the *WIPO* Overview 3.1 at section 2.5.1, have emphasized that these issues are to be assessed holistically, having regard to the totality of the circumstances of each case, rather than by reference to a rigid or exhaustive set of criteria.

Having regard to the totality of the circumstances, including the Registrant's use of the Domain Name in connection with a genuine offering of NUANS-related services, the direct relationship between the Domain Name and those services, the absence of evidence of deliberate deception or impersonation, the broader context in which NUANS services are offered through intermediaries, and doubt that the Agreement prohibits Registrant from continuing to use the Domain Name the Panel finds that the Complainant has not established that the Domain Name was registered in bad faith within the meaning of Paragraph 3.5 of the Policy.

## **8. HAVING A LEGITIMATE INTEREST**

In light of the Panel's finding that the Complainant has not established bad faith registration, it is not strictly necessary to determine whether the Registrant has a legitimate interest in the Domain Name. The Panel nevertheless addresses this issue for completeness.

Paragraph 3.4 of the Policy sets out specific circumstances in which a registrant may establish a legitimate interest in a domain name, but it does so "in particular but without limitation". The listed examples are therefore illustrative, not exhaustive.

While the Panel's analysis in the section on "Registration in Bad Faith" informs this assessment, the question of legitimate interest under Paragraph 3.4 requires a distinct determination.

The circumstances described above include the existence of intermediaries within the NUANS ecosystem at the time of registration of the Domain Name; the use by other intermediaries of domain names incorporating the NUANS Marks; the Registrant's awareness of such use; the fact that the Registrant entered into its agreement with CGI under the business name "Express NUANS Canada"; the absence of any specific provisions in the Agreement expressly prohibiting the use of "NUANS" in a domain name; the Registrant's use of the Domain Name in connection with the provision of NUANS report services; and the absence of any evidence that the Registrant intended to impersonate the Complainant, to imitate its website or branding, or otherwise to misrepresent the source, sponsorship, or affiliation of the services offered. In the Panel's view, these circumstances support the conclusion that the Registrant's use of the Domain Name forms part of a bona fide commercial activity rather than a pretext for trading on the Complainant's goodwill. They are also consistent with an independent service offering, rather than an attempt to impersonate the Complainant or mislead users as to source, sponsorship, or affiliation.

Having regard to all of the circumstances, the Panel considers that the Registrant's use of the Domain Name falls within the scope of legitimate use contemplated by Paragraph 3.4 of the Policy.

Accordingly, the Panel finds, on a balance of probabilities, that the Registrant has a legitimate interest in the Domain Name.

The Panel's finding that the Registrant has established a legitimate interest is made solely within the meaning of the Policy and for the purposes of this proceeding. It should not be taken as determinative of, any rights or obligations that may arise under applicable trademark law, contractual arrangements, or other principles of law, which remain open to determination by a court of competent jurisdiction.

**9. DECISION and ORDER**

For the reasons set out above, the Panel finds that:

- (a) the Domain Name is confusingly similar to the NUANS Marks within the meaning of paragraph 3.3 of the Policy;
- (b) the Complainant has not established that the Domain Name was registered in bad faith within the meaning of paragraph 3.5 of the Policy; and
- (c) in any event, the Registrant has established, on a balance of probabilities, that it has a legitimate interest in the Domain Name within the meaning of paragraph 3.4 of the Policy.

Accordingly, the Complaint is dismissed.

The Panel notes that its determination was made in consideration of the facts and circumstances of this particular dispute. Had this panel been faced with a complaint involving a different NUANS formative domain name, it would have examined, holistically, the specific circumstances of the use of that domain name and reached a conclusion (the same or opposite), in light of those specific circumstances.

Made as of April 24, 2026

**SIGNATURE OF PANEL**

“Alan Limbury”

“Richard Levy”

“Zak Muscovitch”

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Alan Limbury

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Richard Levy

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Zak Muscovitch (Chair)

