



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	226566-UDRP	Decision date: April 24, 2026
Domain Name:	indigochapterstores.com	
Registrar:	GoDaddy.com, LLC	
Panel:	Steven M. Levy	
Complainant:	Indigo Books & Music Inc.	
Respondent:	Brian Cooper	

1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel:

- On March 9, 2026, the Complainant filed a Complaint pursuant to the UDRP and the UDRP Rules via online platform. The required fee was paid on the same day.
- On March 9, 2026, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, and on March 10, 2026, the Registrar responded advising of the identity of the Respondent and providing the above contact details. In addition, the Registrar confirmed that the disputed domain name was placed in a Registrar LOCK.
- The Complainant was informed of the Respondent's information as provided by the Registrar and subsequently amended the Complaint on March 16, 2026.
- On March 17, 2026, CIIDRC confirmed compliance of the Complaint and commencement of the dispute resolution process.
- On March 17, 2026, pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Complaint to the Respondent.
- The deadline for submitting a Response was set for April 6, 2026.
- The Respondent has failed to file its response.

- The Complainant in this administrative proceeding has elected for a Panel consisting of a single member. The required Panel fee deposit was received on April 20, 2026.
- In accordance with Rule 5 (d), CIIDRC appointed Steven M. Levy as a single-member Panel in these proceedings.

The Domain Name was registered on April 29, 2025.

This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) of the Internet Corporation for Assigned Names and Numbers (ICANN).

2. FACTS ALLEGED BY THE PARTIES

The Complainant opened its first retail store under the INDIGO brand in 1997. In 2001 Indigo Books & Music merged with Chapters Inc. which had been operating bookstores in Canada under the CHAPTERS brand since 1995. The merger made the Complainant Canada's largest book retailer. Twenty-five years later, Indigo continues to be Canada's largest book retailer, currently operating 158 physical stores and its online retail store at <indigo.ca>. The Complainant also operates one physical store in the United States in Short Hills, New Jersey. As of March 6, 2026, 88 of its stores are operated under the trademarks/trade names INDIGO or CHAPTERS. The Complainant is the owner of numerous registered Canadian and US trademarks containing or consisting of the INDIGO, !NDIGO, and/or CHAPTERS trademarks.

The <indigochapterstores.com> domain name does not resolve to any website content. However, it has been used, as part of an email address, to send messages to book authors stating that the Complainant has accepted an author's book for stocking in Indigo stores and requesting that the author provide funds for the printing of a significant quantity of books. The emails are signed with the name of one of the Complainant's actual employees.

3. CONTENTIONS OF THE PARTIES

- **Complainant**

The <indigochapterstores.com> domain name is confusingly similar to its INDIGO, !NDIGO, and CHAPTERS trademarks as it incorporates the entirety of these two marks adding only a form of the word "stores" which shares its first letter "s" with the last "s" in the CHAPTERS mark.

The Respondent has no rights or legitimate interests in the Domain Name where it is not commonly known by the domain name and it fraudulently passes itself off as one of the Complainant's employees in furtherance of an email phishing scheme aimed at fraudulently obtaining funds from authors wishing to have the Complainant sell their books.

The Domain Name was registered and is used in bad faith where the Respondent had prior knowledge of the Complainant's mark and based on the above-mentioned email phishing activity.

- **Respondent**

No Response has been submitted in these proceedings.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to it.

4. DISCUSSION AND FINDINGS

4.1 Requirements

In accordance with Paragraph 4 of the Policy, the onus is on the Complainant to prove that:

1. the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the Domain Name; and
3. the Domain Name has been registered and is being used in bad faith.

The Panel will consider each of these requirements in turn.

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations and evidence pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable and supported allegations set forth in the Complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See *WIPO Jurisprudential Overview 3.1* at 4.3; see also *eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire*, FA 157287 (FORUM June 26, 2003) ("Because Complainant did not produce clear evidence to support its subjective allegations of bad faith under ICANN Policy ¶ 4(a)(iii), the Panel finds it appropriate to dismiss the Complaint").

4.2 Analysis

4.2.1 The Domain Name is Identical or Confusingly Similar to a Mark in which the Complainant has Rights

The Complainant is the owner of a number of Canadian Trademark Registrations, including the following:

- Reg. No. TMA613798 for CHAPTERS.INDIGO.CA dated June 29, 2004;

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- Reg. No. TMA850755 for INDIGO.CA dated May 13, 2013;
- Reg. No. TMA967315 for !NDIGO dated April 3, 2017;
- Reg. No. TMA510146 for INDIGO dated March 26, 1999;
- Reg. No. TMA481293 for CHAPTERS dated August 22, 1997; and
- Reg. No. TMA487575 for CHAPTERS dated January 2, 1998.

It also owns the following United States Trademark Registrations:

- Reg. No. 5357543 for !NDIGO dated December 19, 2017; and
- Reg. No. 5525103 for !NDIGO dated July 24, 2018.

The Complainant has submitted copies of its above-mentioned trademark registration certificates and so the Panel finds that it owns rights to the asserted INDIGO, !NDIGO, and CHAPTERS marks.

Next, consideration is given to whether a disputed domain name is identical or confusingly similar to a complainant's trademark. Registration of a domain name that contains a mark in its entirety and adds a generic term or phrase along with a gTLD typically does not distinguish the domain name from the mark per Policy ¶ 4(a)(i). See *BMGate Ltd., former Reinvent Ltd. v. Andrey Mogilnickiy*, 25912-UDRP (CIIDRC December 22, 2025) ("The disputed domain name incorporates the Complainant's "BETMASTER" mark in its entirety, with the addition of the geographically descriptive term "mexico", followed by the gTLD ".com", which is disregarded for the purposes of the first element analysis.") Here, Complainant asserts that the SHOPIFY mark is "an invented word" and that Respondent incorporates the mark in its entirety adding only the words "the" and "team" along with the ".com" gTLD. In light of the mark being clearly recognizable in the domain name and it being a rather distinctive and well-known mark within Complainant's field of business, the Panel finds that these added elements do not reduce the confusing similarity of the domain name in appearance, sound, or meaning. Thus, Respondent's domain name is confusingly similar to Complainant's mark per Policy ¶ 4(a)(i).

4.2.2 Rights or Legitimate Interests in respect of the Domain Name

The Complainant must first make a *prima facie* case that Respondent lacks rights and legitimate interests in the disputed domain name under Policy ¶ 4(a)(ii). Should it succeed in this effort, the burden then shifts to Respondent to show that it does have rights or legitimate interests. See *Shopify Inc. v. Domain Admin*, 25031-UDRP (CIIDRC June 8, 2025) ("once a *prima facie* case is made, the burden of coming forward with evidence of the respondent's rights or legitimate interests in the disputed domain name will then shift to the respondent").

Complainant first argues that Respondent lacks rights or legitimate interest in the <indigochapterstores.com> domain name as Respondent is not commonly known by the disputed domain name nor has Respondent been given any license or consent to use the Complainant's marks or register domain names using the marks. In considering this issue, WHOIS information may be used to determine whether a respondent is commonly

known by the disputed domain name under Policy ¶ 4(c)(ii). See *Amazon Technologies, Inc. v. LY Ta*, FA 1789106 (FORUM June 21, 2018) (concluding that a respondent has no rights or legitimate interests in a disputed domain name where the complainant asserted it did not authorize the respondent to use the mark, and the relevant WHOIS information indicated the respondent is not commonly known by the domain name). Additionally, lack of authorization to use a complainant's mark may indicate that the respondent is not commonly known by the disputed domain name. See *Georgia Rossi v. Joe Neylon*, 24951-UDRP (CIIDRC MAY 25, 2025) (concluding that a respondent has no rights or legitimate interests in a disputed domain name where the complainant asserted that it "has not granted any rights to the Respondent to use the 'Strawberry Milk Mob' mark"). The WHOIS information for the disputed domain name, as verified by the concerned Registrar, lists the registrant as "Brian Cooper" and Respondent has not submitted any evidence that it is known otherwise. Further, the Complainant asserts that "[t]he Respondent is not a licensee or authorized reseller of the Complainant nor has the Respondent received permission from the Complainant to use any of the Complainant's Marks" and there is no evidence to suggest that Respondent was authorized to use the mark. The Respondent has not filed a Response or made any other submission in this case and so it does not contest this. Thus, the Panel finds no evidence upon which to conclude that the Respondent is commonly known by the Domain Name under Policy ¶ 4(c)(ii).

The Complainant further argues that the Respondent fails to make a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. Instead, the Respondent uses the disputed domain name to seek commercial gain by impersonating one of the Complainant's employees in an email phishing scheme. Prior Panels have found that phishing is clearly not a bona fide offering of goods or services or a legitimate noncommercial or fair use under Policy ¶¶ 4(c)(i) or (iii). See *Thread Collective Inc. v. Robert Carson*, 21431-UDRP (CIIDRC Sep. 1, 2023) ("the Domain Name was used to send an email from <[name of employee of the Complainant]@threadc.co> in a phishing attempt to conduct wire transfer fraud.") Here, Complainant submits copies of an email exchange between the Respondent and a book author in which an address which incorporates the Domain Name is used. The first message begins by stating "We are pleased to extend to you an official notification regarding your title, [REDACTED] (ISBN: [REDACTED] which has been formally selected for acquisition by Indigo Chapters, Canada's largest book retailer and a recognized leader in the North American publishing market." It goes on to say that "Indigo Chapters is placing an initial order of 1,200 paperback copies..." and further correspondence between the Complainant and the defrauded author states that the Respondent requested funds from the author to print and ship copies of the book. The emails use a signature block that displays the impersonated employee's name and the title "Senior Retail Acquisitions Manager" followed by the name "Indigo Books & Music Inc." From this, the Panel concludes that the Respondent illicitly obtained funds from a book author by impersonating the Complainant and claiming that it would offer the author's book for sale through its stores and it finds that this is not a *bona fide* offering nor a legitimate noncommercial or fair use under Policy ¶¶ 4(c)(i) or (iii).

Thus, the Complainant has made a *prima facie* case that the Respondent has no rights or legitimate interests in the Domain Name under Policy ¶ 4(a)(ii) which has not been rebutted by the Respondent.

4.2.3 Registration and Use of the Domain Name in Bad Faith

The Complainant contends that the Respondent registered the <indigochapterstores.com> domain name with actual knowledge of Complainant's rights in the INDIGO and CHAPTERS marks. A respondent's actual knowledge can form a solid foundation upon which a case for bad faith may be built under Policy ¶ 4(a)(iii). See *Shopify Inc. v. Yogesh Pant/Mtoag Technologies*, 23641-UDRP (CIIDRC Sep. 10, 2024) (actual knowledge found where "the Respondent is actively using the Complainant's SHOPIFY Trademark(s) and is presenting itself as 'Shopify app developers'.") The Complainant claims that its marks have achieved "extensive goodwill" and, in support, it submits screenshots of its <indogo.ca> website as well as of some of its social media pages. The Panel finds more validation of the marks' reputation in the Respondent's use of them for phishing emails which clearly show its familiarity with the Complainant and its marks. Thus, the Panel finds that the Respondent did have actual knowledge of the Complainant's rights in its mark at the time that it registered the disputed domain name.

Next, bad faith is asserted based on the Respondent's use of the disputed domain name in furtherance of a phishing scheme. A respondent's use of a disputed domain name in an e-mail address to pass itself off as a complainant in a phishing scheme is persuasive evidence of bad faith registration and use under Policy ¶ 4(b)(iv). See *Traffix Group Inc. v. Rob James*, 24666-UDRP (CIIDRC Jan. 28, 2025) (finding bad faith registration and use under Policy ¶ 4(b)(iv) where "the Respondent conducted an email phishing scheme for commercial gain by attempting to impersonate the Complainant and confuse the Complainant's clients regarding the domain name's source and potential affiliation with the Complainant.") Here, as noted above, the submitted emails sent from the Domain Name show a successful effort to impersonate one of the Complainant's employees and illicitly obtain funds from a book author who was confused, by the Respondent, into thinking that they were dealing with the Complainant. This evidence leads the Panel to determine that the Respondent registered and uses the Domain Name in bad faith to attract commercial gain by creating a likelihood of confusion with the Complainant's mark under ¶ 4(b)(iv).

5. DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the Policy, Paragraph 15 of the Rules, and Rule 10 of the Supplemental Rules, the Panel orders that the <indigochapterstores.com> domain name be TRANSFERRED to the Complainant.

Made as of April 24, 2026

SIGNATURE OF PANEL

Steven M. Levy, Esq.

