



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

CIIDRC case number:	<b>26880-CDRP</b>	Decision date: May 9, 2026
Domain Name:	<b>&lt;hostinger.ca&gt;</b>	
Panel:	<b>Claude Freeman</b>	
Complainant:	<b>HOSTINGER, UAB</b>	
Registrant:	<b>Privacy Guardian</b>	

## OVERVIEW

This matter concerns a registered domain, **<hostinger.ca>** (the "Domain Name").

This matter is a proceeding under the Canadian dispute Resolution Policy ("CDRP") and the Canadian Dispute Resolution Rules ("Rules") of the Canadian Internet Registry Authority ("CIRA"). The Canadian International Internet Dispute Resolution Centre ("CIIDRC") is a recognized service provider to the CIRA Domain Name Dispute Resolution Policy ("the Policy") of the Canadian Internet Registration Authority.

## 1. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from CIIDRC to the Panel dated April 24, 2026, the particulars of which are as follows:

1. On March 23, 2026, Daniel Anthony of Smart & Biggar LLP on behalf of HOSTINGER, UAB, filed a Complaint pursuant to the CDRP and the Resolution Rules. The required commencement fee was paid on March 27, 2026. The complaint was in administrative compliance with CIRA's requirements under Rule 3.2.
2. On March 27, 2026, CIRA was notified of this proceeding and on March 30, 2026, CIRA transmitted by email to CIIDRC its verification response informing that the registrant of the Disputed Domain Name is Privacy Guardian (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 2016-11-12 (the "Registration Date").

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3. Pursuant to Resolution Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding and forwarded a Notice of Complaint along with the Complaint to the Registrant on March 31, 2026.
4. The deadline for submitting a Response was set for April 20, 2026.
5. The Registrant failed to file a response to date.
6. The Complainant in this administrative proceeding has elected for a Panel consisting of a single member.

The Complaint is submitted in English, and the correspondence is in English, which therefore includes this proceeding.

## 2. FACTS

### Complainant

The Complainant, Hostinger, UAB, is based in Lithuania and is recognized as a global leader in domain registration and hosting services. Founded in 2004, it adopted the name HOSTINGER in 2011, filing trademark applications in Lithuania and the UK in the same year. The Complainant has operated in Canada continuously since at least 2013 under the mark HOSTINGER through its website hosted at **Hostinger.com**. The Complainant secured registered protection for its mark HOSTINGER in Canada in 2025, thus granting standing to initiate this CDRP proceeding. The Disputed Domain Name was registered in November 2016, more than 5 years after the Complainant had established its reputation in the name HOSTINGER in Canada. The Disputed Domain is the exact .ca equivalent of the Complainant's well-known website, is used in bad faith to generate income from traffic intended for the Complainant and sits in a portfolio of many bad faith domains corresponding to well-known brands. The Complainant also holds a Canadian Trademark Registration No. TMA1333279 registered On July 18, 2025.

### Registrant

The Registrant has not filed any response.

## 3. CONTENTIONS OF THE PARTIES

### Complainant

The Complainant, Hostinger, UAB, is a Lithuanian domain name registration and hosting company.

The Complainant's current website homepage and "About Us" webpage hosted at [www.hostinger.com](http://www.hostinger.com) is provided in an attached Annex and describes its services.

The mark HOSTINGER is prominently displayed, and the submitted Annex shows that Hostinger has served more than 4 million clients across 150+ countries, has 20+ years of experience, and has more than 1,000 employees in 54 countries.

A general history of Hostinger is provided in an April 2025 article in News Diaries, a copy of which is also provided by the Complainant.

From that article it can be seen that Hostinger was founded in 2004 (under the name Hosting Media), grew rapidly as an up-and-coming hosting company through to 2010, then in 2011 it adopted the name HOSTINGER as part of a strategy to grow as a global player in the domain registration and hosting field.

Hostinger has continued to grow and presently has over 1.4 million hosting clients worldwide in 2025, and many more domain registration clients.

Hostinger has been, for over 10 years, a globally renowned domain registration and hosting company, which reputation predates the registration date of the disputed domain in November 2016.

It is seen in the provided copyright notice that copyright on its website is claimed for 2004-2026, consistent with its founding in 2004 and continuous operation until today.

### **Registrant**

The Registrant has not appeared or responded, and the Panel notes that no communication has been received from the Respondent. However, given that the Complaint and Written Notice were sent to the relevant address disclosed by the Registrar, the Panel considers that this satisfies the requirement in paragraph 2(a) of the Rules to "employ reasonably available means calculated to achieve actual notice".

### **Remedy Sought**

The Complainant requests the Domain Name be transferred to the Complainant.

## **4. DISCUSSION AND FINDINGS**

### **4.1 Eligibility**

The Complainant is an eligible complainant under paragraph 1.4 of the CDRP.

### **4.2 Requirements**

In accordance with Paragraph 4.1 of the CDRP, the onus is on the Complainant to prove that:

- (a) The Domain Name is Confusingly Similar to a trademark or service mark in which the Complainant had rights prior to the date of registration of the Domain Name and continues to have such Rights:  
and
- (b) The Registrant registered the Domain Name in bad faith.

and the Complainant must provide some evidence that:

- (c) the Registrant has no legitimate interest in the Domain Name.

The Panel will consider each of these requirements in turn.

### 4.3 Analysis

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

Paragraph 3.3 provides that a domain name will be considered "confusingly similar" to a trademark if the domain name so nearly resembles the trademark in appearance, sound or ideas suggested by the trademark as to be likely to be mistaken for the trademark.

The test for confusing similarity is "whether the average Internet user, with an imperfect recollection of the Mark who wishes to access a website operated by the Complainant, either by entering a domain name including the Mark into the address bar of an Internet browser or by entering the key terms of the domain name into an Internet search engine, would likely be confused as a matter of first impression."

In this case, the Disputed Domain Name incorporates the Complainant's trademark HOSTINGER verbatim (and matches the Complainant's own domain hostinger.com), with no additional distinctive indicia, so the average Internet user would clearly be confused and mistake the Disputed Domain Name for the Complainant's trademark. As stated by the Panel, "[w]here a domain name is identical to and wholly incorporates a Complainant's Mark, this is sufficient to establish identity or confusing similarity for the purposes of the Policy".

Therefore, the Registrant's domain <hostinger.ca> is confusingly similar to the Complainant's registered trademark, in which it had rights prior to the registration of the Disputed Domain Name.

#### 4.3.2 Whether the Registrant registered the Domain Name in Bad Faith

Pursuant to subparagraph 4.1(b) of the Policy, the Complainant must prove on a balance of probabilities that the Registrant registered the domain name <hostinger.ca> in bad faith, as described by paragraph 3.5 of the Policy.

Establishing any one of these circumstances is sufficient evidence that the Registrant registered the domain name in bad faith.

The Complainant submits that the Registrant has registered the domain in bad faith pursuant to subparagraphs 3.5(b) and (d), excerpted below:

- (b) the Registrant registered the domain name or acquired the Registration in order to prevent the Complainant, or the Complainant's licensor or licensee of the Mark, from registering the Mark as a domain name, provided that the Registrant, alone or in concert with one or more additional persons has engaged in a pattern of registering domain names in order to prevent persons who have Rights in Marks from registering the Marks as domain names;

(d) the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

By registering the domain name Hostinger.ca. the Registrant has prevented the Complainant from registering this domain. Furthermore, the Registrant has engaged in a pattern of registering domain names to prevent other parties from registering their trademarks.

The Complainant filed a Request for List of Domain Names with CIRA for domain names registered to the Registrant. The results of this request and supplied with the Complaint showed that the Registrant owns thousands of domain names. Many of the domain names owned by the Registrant are confusingly similar to other businesses' well-known trademarks.

Further, the doctrine of initial interest confusion, insofar as it justifies the actionability of trademark use in a domain name to drive traffic even when confusion is dispelled by the content of the landing page, has been supported by Canadian case law.

Accordingly, any potential use of the disputed domain name by the Registrant would create a likelihood of confusion resulting in commercial gain, confirming the Registrant's bad faith registration.

#### **4.3.3 Whether there is Some Evidence that the Registrant has No Legitimate Interest in the Domain Name**

There are six enumerated circumstances by which the Registrant can establish legitimate interest. It is open to the Registrant to try and establish a non-enumerated circumstance, but this burden rests on the Registrant.

As to the enumerated circumstances, subparagraphs 3.4(a) to (d) require the Registrant to operate in good faith.

Paragraph 4.1 of the Policy requires that to succeed in the Complaint, the Complainant must provide some evidence that the Registrant has no legitimate interest in the Domain Name as the concept of "legitimate interest" is provided for in Paragraph 3.4 of the Policy.

Paragraph 3.4 of the Policy provides that the Registrant has a legitimate interest in a domain name if:

- a) the domain name was a Mark; the Registrant used the Mark in good faith and the Registrant had Rights in the Mark;
- b) the Registrant used 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;
- c) the Registrant used 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;
- d) 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;
- e) the domain name was the geographical name of the location of the Registrant's non-commercial activity or place of business.

In Paragraph 3.4(d) "use" by the Registrant includes, but is not limited to, use to identify a website.

It is to be noted that in Paragraphs 3.4(a), (b), (c), and (d), there is a requirement that the Registrants act "in good faith", which in part, has not been demonstrated or supported, by virtue of a non-response by the Registrant.

Furthermore, where the Registrant does not use the domain name as a mark, it cannot be considered to have rights in a mark to establish subparagraph 3.4(a).

Where the domain name is clearly not descriptive or a generic term of any wares, services or businesses with which the Registrant uses the domain, it cannot establish rights under subparagraphs 3.4(b) and (c).

Where the Disputed Domain Name is not used for non-commercial activity, such as by advertising or providing goods or services to consumers, the use cannot be considered "non-commercial" to establish rights under subparagraph 3.4(d).

Where the domain name clearly is not the name of the registrant or a geographical location, the Registrant cannot establish rights under subparagraphs (e) and (f).

Where the Complainant has provided sufficient evidence establish a lack of legitimate interests, the onus shifts to the Registrant to provide evidence that they have a legitimate interest in the domain.

If they fail to do so, they will fail to establish on a balance of probabilities that they have a legitimate interest in the domain.

Furthermore, where the Registrant does not use the domain name as a mark, it cannot be considered to have rights in a mark to establish subparagraph 3.4(a).

Where the domain name is clearly not descriptive or a generic term of any wares, services or businesses with which the Registrant uses the domain, it cannot establish rights under subparagraphs 3.4(b) and (c).

Where the Disputed Domain Name is not used for non-commercial activity, such as by advertising or providing goods or services to consumers, the use cannot be considered "non-commercial" to establish rights under subparagraph 3.4(d).

Where the domain name clearly is not the name of the registrant or a geographical location, the Registrant cannot establish rights under subparagraphs (e) and (f).

Where the Complainant has provided sufficient evidence establish a lack of legitimate interests, the onus shifts to the Registrant to provide evidence that they have a legitimate interest in the domain. If they fail to do so, they will fail to establish on a balance of probabilities that they have a legitimate interest in the domain.

It's also quite pertinent to add that the Complainant denies any contractual right, licence or other form of authority by the Complainant to the Registrant, for the use of their name, tradename, copyright or any other form of intellectual property by the Registrant, notwithstanding the Complainant's Trademark registration.

Accordingly, the Complainant has satisfied its burden under Paragraph 4.1 of the Policy, that the Registrant has no legitimate interest in the Domain Name.

**5. DECISION and ORDER**

For the above reasons, in accordance with Paragraph 4 of the CDRP, Paragraph 12 of the Resolution Rules, the Panel orders that the Domain Name (hostinger.ca) be transferred to the Complainant.

Made as of May 9, 2026

SIGNATURE OF PANEL

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Claude Freeman