



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	26567-CDRP	Decision date: May 7, 2026
Domain Name:	<web-koho.ca>	
Panel:	Thomas Manson, KC	
Complainant:	KOHO Financial Inc.	
Complainant's Representative:	Felecia Velasi, Protakedown Pte. Ltd (PhishFort)	
Registrant:	Jason Jacurl	
Registrar:	Centralnic Canada Inc.	

1. OVERVIEW

This matter is an administrative proceeding under the CIRA Domain Name Dispute Resolution Policy (“CDRP”) and the CIRA Domain Name Dispute Resolution Rules (“Rules”) of the Canadian Internet Registry Authority (“CIRA”). The Canadian International Internet Dispute Resolution Centre (“CIIDRC”) is a recognized dispute resolution service provider under the Policy. This proceeding concerns a registered domain, <web-koho.ca> (the “Domain Name”).

2. PROCEDURAL HISTORY

Based on a letter from CIIDRC to this Panel dated April 9, 2026 and the proceedings herein, the procedural history of this matter is that:

On February 26, 2026, Felecia Velasi of PhishFort filed a complaint on behalf of the Complainant, pursuant to the CDRP and the Rules. This complaint was filed in respect of the following domain names: <support-koho.ca>; <help-koho.ca>; <web-koho.ca>; and <disputes-koho.ca>.

On February 26, 2026, CIRA was notified of this proceeding and on the same day, CIRA transmitted by email to CIIDRC its verification response informing that the Registrant of the disputed domain names <support-koho.ca>, <help-koho.ca>, and <disputes-koho.ca> was Jack Mehoff, organization Smith Tech Incorporated, and that the Registrant of the Domain Name was Jason Jacurl (the “Registrant”), with no organization listed.

As the CDRP and Rules (Rule 3.4) do not permit multiple registrants to be named within a single complaint, the Complainant was notified of this procedural deficiency and subsequently filed a separate complaint in relation to <web-koho.ca> (the “Complaint”) which was submitted on March 10, 2026.

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 11, 2026.

The Registrant failed to file a response and did not participate in this administrative proceeding.

The Complainant in this proceeding has elected for a Panel consisting of a single member.

The Complainant deposited the required Panel fee on April 6, 2026.

By letter dated April 9, 2026, CIIDRC appointed me as a single-member panel in this matter. I have submitted the required Statement of Independence and Impartiality to CIIDRC.

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

A request for further evidence or argument was made by the Panel by email dated April 24, 2026, with respect to certain allegations made by the Complainant.

A second request for further evidence or argument was made by the Panel via email dated April 26, 2026, regarding the Certification of the Complaint.

The Complainant’s representative responded to these requests by email dated May 04, 2026. No response or comment was given by the Registrant.

A request for further evidence or argument was made by the Panel by email dated May 5, 2026, with respect to matters outstanding from the original request and matters arising from the Complainant’s May 4 Response. CIIDRC extended the time for the decision in this matter to May 7, 2026

The Complainant representative responded by email dated May 6, 2026. No response or comment was given by the Registrant.

3. FACTS / ALLEGATIONS

The Complainant is a corporation incorporated under the laws of Canada, with its registered office located at 400–601 West Broadway, Vancouver, British Columbia, V5Z 4C2, Canada.

The Registrant was not identified in the “WHOIS” (Annex 1) for the Domain Name as their name, organization, and contact information were “REDACTED FOR PRIVACY”. However, as noted above, the Registrant’s name and contact information were identified by CIRA (and set out in the Complaint).

KOHO has used the KOHO mark continuously in Canada since at least November 2014. Prior to that, on October 24, 2014, the Complainant registered <koho.ca>.

The Complainant is the owner of various Canadian trademark registrations (referred to and as shown in Annex 2), including Registration No. TMA1077262 for the word mark “KOHO” (“TMA1077262”) filed November 21, 2017 (registered April 23, 2020¹). The KOHO word mark (TMA1077262) is registered in association with: Goods (Class 9): Computer software and computer applications for mobile devices for accessing financial services; and Services (Class 36): Financial services.

The Domain Name was registered on June 25, 2024, well after the registration of the “KOHO” word mark (TMA1077262). The Domain Name resolved to an inactive website with no content.

The Complainant next filed trademark applications in September 2025 for “KOHO & Design” (design mark) and “KOHO (standard characters). Both of these latter registrations, which are now “Formalized”, are referred to more fully in Annex 2 to the Complaint.

In terms of common law rights and reputation, the Complaint alleges that KOHO operates as a “recognized financial technology company” providing:

- Prepaid payment cards and credit cards
- Lending products, including lines of credit and personal loans
- Money transfer and electronic payment services

¹ Erroneously referred to as being April 23, 2030 (sic) in the Complaint – however the earlier date is referred to in Annex 2, which the Panel accepts as accurate.

- Financial management tools and mobile banking applications

However, the Complainant did not provide evidence regarding this assertion².

The Complaint refers to <web.koho.ca>, apparently a sub-domain of <koho.ca>. Complainant says that <web.koho.ca> is used by it as part of its legitimate online services and that this domain forms part of the Complainant's established domain naming conventions, which include structured subdomains associated with customer-facing services (Rule 11.1 Resp, May 4).

In its Rule 11 Requests, the Panel sought to identify when <web.koho.ca> was "registered" by the Complainant. As it is a sub-domain of <koho.ca>, <web.koho.ca> is not separately registered (Rule 11.1 Resp, May 6). Moreover, although the Complainant provided an undated screenshot of the website at <web.koho.ca> (Rule 11.1 Resp, May 6, Annex 1), the date the Complainant created or began using the <web.koho.ca> sub-domain was not in evidence.

The Complainant alleges that it has established substantial goodwill in the KOHO mark in Canada in connection with financial services. However, the Complainant did not provide evidence regarding this relevant assertion³.

The Complainant initiated a separate complaint concerning three additional domain names incorporating the KOHO trademark (<support-koho.ca> registered April 19, 2025, <help-koho.ca> registered August 25, 2025, and <disputes-koho.ca> registered September 8, 2025), [together, the "Other Domain Names"] which were registered by a different registrant than the Registrant in this proceeding. That separate complaint has now been resolved in favour of the Complainant with the decision of the panel in *Koho Financial Inc. v Jack Mehoff, Smith Tech Incorporated*, 26567-CDRP, April 13, 2026 (the "Earlier KOHO Decision").

4. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant submits that the Domain Name incorporates the entirety of the Complainant's distinctive KOHO trademark. The addition of a generic or descriptive term ("web") does not diminish

² See, for instance, the similar observation in *Manulife v Dakin* CIIDRC 25210-CDRP <manulifesolutions.ca> (September 5, 2025)

³ See, for instance, the similar observation in *Manulife v Dakin* CIIDRC 25210-CDRP <manulifesolutions.ca> (September 5, 2025)

the confusing similarity and instead reinforces the association with the Complainant's online services. The confusing similarity is further heightened by the fact that KOHO operates legitimate services using similar domain naming conventions. In particular, KOHO's web application is accessible at <web.koho.ca>, which closely corresponds to the Domain Name <web-koho.ca>. The deliberate substitution of a hyphen creates a domain name that is visually and phonetically similar to the Complainant's legitimate sub-domain, and is therefore likely to be mistaken by Internet users as being associated with or endorsed by the Complainant.

The Complainant asserts, among other things, that the Registrant has no connection to KOHO or authorization to use the KOHO mark in any domain name registration and that the Registrant does not own any trademark registrations for "KOHO" or any variations thereof that would provide legitimate rights to register the "disputed domain names" (sic). Thus, the Complainant submits that the Registrant has no legitimate interest.

Last, the Complainant refers to an alleged "fraudulent scheme targeting KOHO's trademark" and a "coordinated attack" against the Complainant and its customers. The Complainant submits that the Registrant registered the Domain Name in bad faith by registering the Disputed Domain Names primarily for the purpose of disrupting KOHO's business and by intentionally attempting to attract Internet users to fraudulent websites by creating a likelihood of confusion with KOHO's trademark.

- **Registrant**

The Registrant filed no response to the Complaint and no submissions were made on their behalf.

- **Remedy Sought**

The Complainant requests that the Panel issue a decision transferring the Domain Name registration to the Complainant.

5. DISCUSSION AND FINDINGS

5.1 Eligibility

In order to initiate the Complaint, paragraph 1.4 of the CDRP requires that the Complainant at the time of the initiation of the Complaint must satisfy the Canadian Presence Requirements for Registrants (the "CPR") unless the Complaint relates to a trademark registered in the Canadian

Intellectual Property Office (“CIPO”) and the Complainant is the owner of the trademark. For instance, a corporation under the laws of Canada may hold and maintain the registration of a “.ca” domain name and this satisfies the CPR.

Here, the Complainant is a corporation incorporated under the laws of Canada. Further, the Complaint relates to a trademark, “KOHO”, registered in the CIPO, and the Complainant is the owner of the trademark, TMA1077262.

As such, the Complainant is an eligible complainant under paragraph 1.4 of the CDRP.

5.2 Requirements

In accordance with Paragraph 4.1 of the CDRP, the onus is on the Complainant to prove, on a balance of probabilities, 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 the Registrant has no legitimate interest in the Domain Name.

5.3 Analysis

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

According to paragraph 3.3 of the CDRP, “in determining whether a domain name is “Confusingly Similar” to a Mark, the Panel must only consider whether a 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”. Further, according to paragraph 1.2 of the CDRP, the domain name for the purpose of the CDRP means the domain name excluding the country code top-level domain (ccTLD) “.ca”.

In this case, the relevant part of the Domain Name is “web-koho”. The difference between the Domain Name and KOHO Mark is the “web-” prefix. The second element of the Domain Name is

identical to the word mark “KOHO”, TMA1077262. As the Complainant submits, the addition of a generic or descriptive term (“web”) does not diminish the confusing similarity and instead reinforces the association with the Complainant’s online services. Further, the Panel notes that the “web” prefix is a common word and does little to distinguish the overall appearance of the Domain Name from the KOHO Mark.

The confusing similarity is further heightened by the fact that KOHO operates services using similar naming conventions for sub-domains. In particular, KOHO’s web application is accessible at the <web.koho.ca> sub-domain, which closely corresponds to the Domain Name <web-koho.ca>. The deliberate substitution of a hyphen creates a domain name that is visually and phonetically similar to the Complainant’s sub-domain.

The Domain Name is similar to those addressed in:

- the Earlier KOHO Decision⁴ [addition of “support” and a hyphen, “disputes” and a hyphen, and “help” and a hyphen ahead of the trademark KOHO in <support-koho.ca>, <disputes-koho.ca>, and <help-koho.ca>];
- *Skoda Auto a.s. v Viliam Pcolinsky*, 26806-CDRP (March 31, 2026) [addition of word “auto” and a hyphen ahead of the trademark SKODA in <auto-skoda.ca>].

In both cases panels found that the disputed domain names were confusingly similar to the complainants’ marks.

Here too, this Panel finds that the Domain Name is confusingly similar to the KOHO Mark as it so nearly resembles the KOHO Mark as to be mistaken for the KOHO Mark in which the Complainant had and continues to have Rights; the Complainant has satisfied paragraph 4.1(a) of the CDRP.

5.3.2 Whether the Registrant registered the Domain Name in Bad Faith

To succeed in this proceeding, paragraph 4.1(b) of the CDRP requires the Complainant to demonstrate, on a balance of probabilities, that the Registrant registered the Domain Name in bad faith as described in paragraph 3.5. The CDRP provides four examples of bad faith in paragraph 3.5. Bad faith registration may be demonstrated based on these grounds as well as the surrounding circumstances; *Kontzamanis Graumann Smith MacMillan Incs v Lauren Lökk*, 26662-CDRP,

⁴ *Koho Financial Inc. v Jack Mehoff, Smith Tech Incorporated*, 26567-CDRP (April 13, 2026)

<kgsgroups.ca> (April 18, 2026). In making a finding of bad faith, reasonable inferences may be drawn from the available evidence; *Workplace Safety and Insurance Board v Dickson*, 18847-CDRP <wsib-on.ca> (Jan. 25, 2023).

The focus of the Complainant here appears to be on paragraphs 3.5(c) and (d) of the Policy, which provide:

... any of the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence that a Registrant has registered a domain name in bad faith:

...

(c) the Registrant registered the domain name or acquired the Registration primarily for the purpose of disrupting the business of the Complainant, or the Complainant's licensor or licensee of the Mark, who is a competitor of the Registrant; or

(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.

The Complainant "relies on established CIRA jurisprudence, which consistently holds that the registration of a domain name incorporating a Complainant's trademark for phishing, impersonation, or creating deceptive subdomains constitutes clear evidence of registration and use in bad faith." No specific case was cited for this proposition, but elsewhere in the Complaint, the Complainant referred to *Arcelormittal SA v. Jonathan Davis* CIIDRC Case No. 24339-CDRP <arcelormittals.ca> (Feb. 12, 2025). There, the panel held (at page 5) that "the complainant's mark was "distinctive and well known throughout the world" and "at the time the Disputed Domain Name was registered, Registrant had Complainant in mind when it registered the Disputed Domain Name and set up an MX record on the Disputed Domain Name as its primary purposes was to disrupt the business of the Complainant in accordance with CDRP 3.5(c)" such that the complainant satisfied para. 4.1(b).

The Complainant asserts that the Registrant clearly targeted KOHO's trademark when registering the Domain Name <web-koho.ca> (para 7.3(D)). It says that the precise incorporation of "KOHO" combined with terms associated with the Complainant's online services demonstrates knowledge of

and intent to capitalize on KOHO's trademark and business operations. Evidently this submission was intended to refer to the Domain Name and the Other KOHO Domains.

The Complainant asserts that the Domain Name may form part of a “broader fraudulent scheme” targeting KOHO’s trademark (para. 7.3(A)). It goes on to allege that “the Registrant was part of a coordinated attack demonstrates a pattern of bad faith registration designed to maximize confusion and fraudulent opportunities.” (para 7.3(e)). Further, the Complainant alleges that the use of identical nameserver infrastructure strongly suggests that the Domain Name forms part of the same coordinated fraudulent scheme targeting the Complainant’s trademark and customer base.

In the Earlier KOHO Decision⁵, the panel found that a different registrant “registered the disputed domain names based on the Complainant’s KOHO trademark to incur in paragraph 3.5(c) and 3.5(d) of the CDRP, conduct that under the consensus view provided by section 3.4 of the WIPO Overview 3.1. clearly constitutes bad faith.” Specifically, the panel found (at page 6) that the registrant “registered the disputed domain names to engage in illegal activity, such as phishing, unauthorized account access, hacking, passing off, or other types of fraud”.

(a) Evidence said to “Strongly” Suggest a “Fraudulent Scheme”

The Complainant’s evidence of disrupting KOHO’s business (CDRP, para 3.5(c)) and intentional disruption for the purpose of creating confusion with the Complainant’s mark (CDRP, para 3.5(d)) is principally focused on the Other Domain Names and their registrant.

The Other Domain Names incorporating the KOHO trademark are <support-koho.ca>, <help-koho.ca>, and <disputes-koho.ca>. Each of these was registered more than nine months after the Domain Name and by a different registrant.

The first, registered April 19, 2025, was <support-koho.ca>. On July 25, the Complainant initiated an incident response investigation in connection with suspected account takeover attacks. Users reported receiving telephone calls from individuals impersonating “KOHO” and directing them to <support-koho.ca>. A takedown request was submitted, and on August 9, 2025, the malicious domain was suspended.

The second, registered on August 25, 2025, was the domain <help-koho.ca>. On September 2, it was identified as an active phishing site operating with identical infrastructure that previously was used for <support-koho.ca> (as shown in Annex 4). KOHO further identified an administrative

⁵ *Koho Financial Inc. v Jack Mehoff, Smith Tech Incorporated*, 26567-CDRP (April 13, 2026)

panel at <help-koho.ca/admin> containing evidence of continued phishing activity. A takedown request was submitted, and the site was suspended on the same day.

On September 3, 2025, an abuse report was submitted to Lovable.ai, a platform used to build phishing sites. The third domain, registered on September 8, 2025, was <disputes-koho.ca>. On the same day, this domain was flagged to the Complainant's security team. Finally, on September 25, 2025, the platform confirmed malicious use.

Thus, the evidence in this proceeding relating to the Other KOHO Domains, including the foregoing, is evidence of misconduct directly connected to those domains and to their registrant.

(b) Evidence against the Complainant

The Complaint alleges a “coordinated attack” and asserts that the “Registrants” acted in bad faith within the scope of para 3.5(c) and (d) of CDRP (para 7.3(B) and (C) respectively). No evidence of a “coordinated attack” by the Registrant and the registrant of the Other KOHO Domains was presented.

The evidence is that the Domain Name shares the same nameserver infrastructure as <support-koho.ca>, used in connection with the conduct complained of by the Complainant. As shown in Annex 5, <support-koho.ca> was configured (as of November 2025) with the same nameservers used (as of January 2026) by <web-koho.ca>. The Complainant asserts that use of identical nameserver infrastructure strongly suggests that the Domain Name forms part of the same coordinated fraudulent scheme targeting the Complainant's trademark and customer base (para 7.3(F)). However “strong”, a “suggestion” is not evidence that the Registrant intended to use or actually used the Domain Name for purposes of a “fraudulent scheme”. Moreover, the differential dates shown in Annex 5 (Nov 2025 and Jan 2026) cloud the matter of whether both domains had an “identical nameserver infrastructure” at a material time.

The Complainant's evidence is that it had not identified any legitimate use of the Domain Name by the Registrant. The Complainant says that this combined with the structure of the domain name and its alleged “clear targeting” of the KOHO mark “support an inference of bad faith registration” (Rule 11.1 Resp, May 4). This Panel does not make that inference.

- There seems to be no direct evidence of use of the Domain Name by anyone for fraudulent or malicious activity and the Complainant acknowledges that the Domain Name “has not been observed hosting active phishing content” (para 7(3)(F));

- The Complainant did not make any takedown request in respect of <webkoho.ca>; this was because, unlike the domains <support-koho.ca> and <help-koho.ca>, the Domain Name was not observed hosting active phishing content (Rule 11.1 Resp, May 4). Indeed, the Complainant acknowledged that “The Complainant’s enforcement efforts *prioritize domains actively engaged in harm to users*. The absence of a takedown request in this instance does not indicate good faith use, particularly given the nature and structure of the disputed domain name.” (emphasis added).

There is no evidence that the Registrant, or others acting on their behalf, issued fraudulent email correspondence from fake email addresses hosted at the Domain Name impersonating KOHO or its staff by mimicking their actual “@koho.ca” domain or any sub-domain names. Such conduct associated with the Other KOHO Domains is not evident in connection with the Domain Name.

To allege that the Domain Name was not being used for any legitimate purpose (para. 7.2(C)) is not sufficient evidence from which the Panel can infer that the Domain Name was registered by the Registrant for an illegitimate purpose or specifically a phishing or other fraudulent scheme, coordinated or otherwise.

Evidence of a confusingly similar domain name alone cannot sustain a finding of bad faith registration; *Boston Pizza v Goyal* CIIDRC 22766-CDRP <bostonpizzamenu.ca> (July 12, 2024) at page 8.

(c) Registrant’s Non-participation in this Proceeding

The Registrant did not file a response to the Complaint or otherwise participate in this Proceeding. Some CDRP panels treat this as evidence supporting a finding of bad faith. “Failure to respond reinforces a finding of bad faith because a reasonable person with a legitimate claim to a domain name would likely respond with a correction or denial”; see para. 4.3.3.5 in *Indeed, Inc. and Indeed Canada Corp. v. Homayon Sadeghi / Marketing Reputation Inc.*, CIIDRC Case No. 16919-CDRP (July 14, 2022). “The Respondent, having neglected to participate in these proceedings, did not bring any evidence to support any good faith reason for having chosen to register the disputed domain name; such evidence is not apparent from the record, and the Respondent has to bear the consequences of its default in that regard.”; see *Equifax Inc. v. Balticsea LLC, Balcsea LLC*, WIPO Case No. D2022-2497 (Sept. 22, 2022). In *Arcelormittal SA v. Jonathan Davis* CIIDRC Case No. 24339-CDRP <arcelormittals.ca> (Feb. 12, 2025), the panel took this sort of approach (at page 5).

However, registrant default or non-participation in a proceeding does not always reinforce a finding of bad faith or constitute supporting evidence of a bad faith registration. In *Sauna Works v Jacob* CIIDRC 24920 CDRP <clearlightsaunas.ca> (May 26, 2025), the panel observed (at page 5) that in certain cases of non-participation involving wholly unsupported and conclusory allegations advanced by a complainant, panels may find that a complainant has failed to prove its case. This approach is consistent with the observation in *Manulife v Dakin* CIIDRC 25210-CDRP <manulifesolutions.ca> (September 5, 2025), at page 6: “Mere assertions or arguments are not sufficient.” (whether or not a registrant participates in the proceeding). Accordingly, the Registrant’s non-participation does not shore up the Complainant’s bad faith registration claim, especially when the heart of its claim is an alleged coordinated fraudulent scheme.

Overview on “Bad Faith Registration”

The Panel finds that the Complainant has not established bad faith registration of the Domain Name on the balance of probabilities and thus has not satisfied paragraph 4.1(b) of the CDRP.

5.3.3 Whether there is “some evidence” that the Registrant has No Legitimate Interest in the Domain Name

To succeed in this proceeding, paragraph 4.1(c) of the CDRP requires the Complainant to provide “some evidence” that the Registrant has no legitimate interest in the domain name as described in paragraph 3.4 of the Policy.

1. With respect to paragraph 3.4(a), the Domain Name includes the Complainant’s word mark KOHO. The KOHO mark is owned by the Complainant. Moreover, the Registrant has no connection to KOHO or authorization to use the KOHO mark in any domain name registration.
2. With respect to paragraph 3.4(b), there is no evidence that the Domain Name is descriptive of any wares, services or business or otherwise within the scope thereof.
3. With respect to paragraph 3.4(c), the Domain Name cannot be understood to be a generic name for any wares, services, or business.

4. With respect to paragraph 3.4(d), there is no evidence that the Registrant was using the Domain Name for a legitimate non-commercial activity. Beyond this, the evidence does not allow the Panel to conclude that the Registrant made any use of the Domain Name.
5. With respect to paragraph 3.4(e), the Registrant is identified as “Jason Jacurl”. As such, the Domain Name does not comprise the name of the Registrant, nor a name, surname or other reference by which the Registrant is commonly identified. Therefore, the provisions of paragraph 3.4(e) do not apply.
6. Last, the Domain Name is not the geographical name of a location of any non-commercial activity or place of business; nothing about “web-koho” is geographical or suggests a geographical reference. Therefore, the provisions of paragraph 3.4(f) do not apply.

Overview on “Legitimate Interest”

This Panel finds that the Complainant has provided “some evidence” that the Registrant has no legitimate interest in the Domain Name. Accordingly, the Complainant has satisfied paragraph 4.1(c) of the CDRP.

6. PROOF vs SUGGESTION and SPECULATION

The Complainant has presented a claim arguing that registration of the Domain Name forms part of a coordinated fraudulent scheme (also involving the Other KOHO Domains) “targeting the Complainant’s trademark and customer base.” The Complainant proved bad faith registration in respect of the other registrant in the Earlier KOHO Decision; but that finding and the use by the other registrant of both a similar domain name structure (<x-koho.ca>) and identical nameserver infrastructure **do not** establish conduct sufficient to constitute bad faith registration by the Registrant here.

This Panel accepts that the similar domain name structure (<x-koho.ca>) and identical nameserver infrastructure are suspicious. However, as in *Manulife v Dakin* CIIDRC 25210-CDRP <manulifesolutions.ca> (September 5, 2025) at page 6, mere assertions or arguments are not sufficient. Suggestions and speculations are equally insufficient.

Where a complainant’s evidence does not meet the burden of proof for a successful complaint, but suspicious circumstances exist, a remedy may be to dismiss the claim “without prejudice”. This was done in *Manulife v Dakin* CIIDRC 25210-CDRP <manulifesolutions.ca> (September 5, 2025).

This Panel does not accept the “coordinated fraudulent scheme” or “coordinated attack” arguments advanced by the Complainant. There is no evidence that the Domain Name and its registrant were, with the Other KOHO Domains and their registrant, “actively engaged in harm to users”. However, as in *Manulife v. Dakin*, “without prejudice” dismissal is warranted here given that the Complainant has satisfied two of the three requirements for relief under the CDRP and suspicious circumstances exist in connection with the Domain Name.⁶

7. DECISION and ORDER

For the above reasons, the Panel finds that the Complainant has not met the burden under paragraph 4.1 in respect of paragraph 4.1(b), and the Complaint is dismissed, without prejudice.

Made as of this 7th day of May, 2026

SIGNATURE OF PANEL



Thomas Manson, KC



⁶ As a cautionary note, see discussion on the preliminary issue of a refiled complaint (dismissed again after a “without prejudice” dismissal) in *Manulife v Dakin* CIIDRC 26132-CDRP <manulifesolutions.ca> (March 9, 2026).