



**CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE**

**DOMAIN NAME DISPUTE**

**ADMINISTRATIVE PANEL DECISION**

CIIDRC case number:	26879-CDRP	Decision date: May 14, 2026
Domain Name:	<snorerxplus.ca>	
Panel:	Leslie E. Maerov, FCI Arb., Q. Arb.	
Complainant:	Apnea Sciences Corporation	
Registrant:	Times of Digital	

**THE PARTIES:**

1. The Complainant is Apnea Sciences Corporation, of Henderson, NV, U.S.A., and is represented by Brittany Frandsen of Salt Lake City, UT, U.S.A. The Registrant is Times of Digital, of Toronto, ON.

**THE DOMAIN NAME AND REGISTRAR:**

2. The domain name in issue is <snorerxplus.ca> (“**Disputed Domain Name**”) which was registered on February 17, 2026, and expires February 17, 2027. The Registrar is Open Provider Inc. (“**Registrar**”).

**PROCEDURAL HISTORY:**

3. This complaint (“**Complaint**”) was filed with Canadian International Internet Dispute Resolution Centre (the “**Provider**”) as recognized service provider pursuant to the CIRA Domain Name Dispute Resolution Policy (“**Policy**”), in accordance with the CIRA Dispute Resolution Rules (“**Resolution Rules**”) on March 20, 2026. The Complaint was determined to be in administrative compliance with the Resolution Rules and this proceeding was deemed commenced on March 26, 2026.

4. The Registrant’s identity is not published in the public WHOIS database, and within the time limited by Rule 4.3 of the Resolution Rules, on March 20, 2026, the Provider sent a request

for registrar verification to the Registrar to determine the identity, including the mailing address and contact email of the Registrant, together with a request that the Disputed Domain Name be put on a Registrar lock. On March 23, 2026, the Registrar confirmed the identity of the Registrant and its mailing address and contact email and confirmed that the Disputed Domain Name was placed on a Registrar lock.

5. Pursuant to Rule 4.4 of the Resolution Rules, on March 26, 2026, the Provider notified the Registrant at the email address for the administrative contact of record in the Registrant Information at [mytimesofdigital@gmail.com](mailto:mytimesofdigital@gmail.com) and also at [postmaster@snorerxplus.ca](mailto:postmaster@snorerxplus.ca) of the commencement of this proceeding and advised the parties of the name and contact details of the Provider. The Registrant's Response deadline was set for April 15, 2026.

6. The Registrant has not responded to the Complaint within the time limited. The Panel has submitted a Statement of Independence and Impartiality to the Provider, declaring that there are no circumstances that would give rise to justifiable doubts as to his independence and impartiality, as required by the Resolution Rules. On May 4, 2026, after clearing for any potential conflicts, the Provider appointed the Panel as a single-member panel.

7. When a Registrant does not respond to the Complaint, the Panel is required to decide the proceeding for the resolution of the dispute on the basis of the Complaint.

#### **JURISDICTION:**

8. By obtaining registration of a domain name in the dot-ca country code top level domain name registry operated by CIRA, the Registrant agreed to the resolution of certain disputes pursuant to the Policy and Resolution Rules. This is an administrative proceeding pursuant to the Policy and Resolution Rules.

9. In order to bring a proceeding under the Policy, a complainant must satisfy the Canadian Presence Requirements for Registrants contained in CIRA Policies, Rules and Procedures, which require that the applicant must meet at least one of the listed requirements. The Complainant satisfies one of those requirements by being the owner of a trademark which is the subject of a registration at the Canadian Intellectual Property Office ("CIPO") under the *Trademarks Act* (Canada), R.S.C. 1985, c.T-3 that was registered prior to the date of registration of the Disputed Domain Name and continues to own that right. Satisfaction of this requirement limits permission to register a dot-ca domain name consisting of or including the exact word component of that

registered trademark. The Complainant is the owner of the following trademark (“**SNORERX Mark**”):

Trademark	Registration No.	Registration Date	Expiry Date	Wares/Services
<b>SNORERX</b>	TMA 908,490	July 15, 2015	July 15, 2030	10 - Medical and veterinary devices  Oral dental appliances to be worn in the mouth of an individual during sleep to reduce the effects of snoring and sleep apnea

10. In order to initiate this proceeding the Complainant must have had rights in the Mark prior to the date of registration of the Disputed Domain Name and continue to have such rights. The Complainant satisfies this requirement by way of its ownership rights to the SNORERX Mark. The Complainant’s rights to the Mark precede the registration of the Disputed Domain Name, as the SNORERX Mark was registered in 2015, while the Disputed Domain Name was not registered until February 17, 2026. The SNORERX Mark continues to be valid and in effect.

#### **FACTS ALLEGED BY THE PARTIES:**

11. The Complainant states that it has marketed and sold anti-snoring medical devices in Canada for more than 12 years. Through its patented designs, the Complainant has introduced several effective and affordable products that reduce or eliminate snoring, including the “SnoreRx Plus” product, which the Complainant has extensively and continuously marketed and promoted under its registered trademark **SNORERX** since at least March, 2024. The Complainant owns Canadian Trademark Registration No. TMA908490 for **SNORERX** covering oral dental appliances to be worn during sleep to reduce the effects of snoring and sleep apnea. In addition to the trademark registration, the Complainant has built substantial goodwill in the SnoreRx Mark through its own website [www.snorerx.com](http://www.snorerx.com). Through these efforts, the Complainant has become widely and favourably known in association with anti-snoring oral devices and related goods.

12. The Complainant registered the SNORERX Mark in 2015, whereas the Registrant registered the Disputed Domain Name on February 17, 2026, long after the Complainant registered the SNORERX Mark.

13. The Complainant states that the Registrant lacks rights or legitimate interests in the Disputed Domain Name, and has not been authorized or licensed by the Complainant to use the

SNORERX Mark. The Disputed Domain Name resolves to a commercial website that prominently displays the SNORERX Mark in a manner that mimics the placement and presentation of the Mark on the Complainant's authentic website.

14. The Registrant has not responded to the Complaint within the time limited.

**REMEDY SOUGHT:**

15. The Complainant requests that the ownership of the Disputed Domain Name be transferred to the Complainant.

**DISCUSSION & ANALYSIS:**

16. In accordance with par. 3.1 of the Policy, in order to succeed in this proceeding, the Complainant is required to prove two things on a balance of probabilities, which are that:

- (a) The Disputed Domain Name is confusingly similar to the Complainant's Mark in which the Complainant had rights prior to the date of registration of the Disputed Domain Name, and continues to have such rights, as set out in par. 3.1(a) of the Policy;
- (b) The Registrant has registered the Disputed Domain Name in bad faith, as described in par. 3.5 of the Policy.

17. In addition, the Complainant must provide some evidence that the Registrant has no legitimate interest in the Disputed Domain Name, as described in par. 3.4 of the Policy.

**(a) Is the Disputed Domain Name Confusingly Similar to the Complainant's Mark?**

18. To be confusingly similar, the Disputed Domain Name must so nearly resemble the Complainant's Mark in appearance, sound or the ideas suggested by the Mark as to be likely to be mistaken for the Mark. Pursuant to par. 3.3 of the Policy, a domain name will be found to be confusingly similar with a Mark if it so nearly resembles the same in appearance, sound or in the ideas suggested so as to be likely to be mistaken for the Mark.

19. Where 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: *Nikon Inc. v. Technilab, Inc.* Case D2000-1774 (WIPO) March 7, 2001. Identity or near identity to the Complainant's mark will always be sufficient to find that a domain name is confusingly similar to a

complainant's mark: *Sleep Country Canada Inc. v. Pilfold Ventures Inc.* Case 00027 (CIRA) (March 14, 2005). Since the Disputed Domain Name contains the exact word of the Complainant's Mark, namely the use of the word "snorerx", there could be no doubt that it is confusingly similar to the Complainant's Mark. CDRP Panels have concluded that confusing similarity exists where, as here, the Disputed Domain Name incorporates the entirety of the Complainant's mark. [See, e.g., *General Motors Acceptance Corporation v. Bob Woods*, CDRP Case No. DCA891-CIRA with respect to <gmacmortgages.ca>. "The fact that the whole of the distinctive element of the [Complainant's trademark] is incorporated in the domain name, is sufficient to support a finding of confusing similarity". In this case the Disputed Domain Name incorporates the SNORERX Mark in its entirety and adds the word "plus", which further compounds the association with the Complainant's Mark because of the association with the Complainant's own "SnoreRx Plus" product. An Internet user who has knowledge or recollection of the Complainant's Mark might easily mistake the Disputed Domain Name as being somehow affiliated with or owned by the Complainant. As outlined below, the Complainant did not authorize the registration, and use of the Disputed Domain Name is likely to mislead the public into believing that the Registrant is affiliated with or authorized by the Complainant.

**20.** Ultimately, the mere addition of the word "plus" or the ".ca" ccTLD is insufficient to distinguish the Disputed Domain Name from Complainant's SNORERX Mark. *Dansko, LLC v. Robert Testa*, 23141-CDRP, (June 14, 2024). Pursuant to par. 1.2 of the Policy, the Disputed Domain Name means the domain name excluding the dot-ca suffix. The ".ca" country code top-level domain name is a technical requirement and does not distinguish the Disputed Domain Name from the Mark. It has long been established that the country code should be disregarded when determining the issue of confusion. Canadian users seeking the Complainant's goods will generally expect the .ca equivalent of the Complainant's established .com brand to be affiliated with the Complainant.

**21.** The Panel finds that the Disputed Domain Name is confusingly similar to the SNORERX Mark. It incorporates the SNORERX Mark in its entirety and adds only the term "Plus". The addition of a descriptive term does not avoid confusing similarity where the Complainant's Mark remains clearly recognizable. "SnoreRx" is the dominant and distinctive element of the Disputed Domain Name, and the term "plus" reinforces an association with the Complainant's own product name "SnoreRX Plus".

**(b) Does the Registrant have a legitimate interest in the Disputed Domain Name?**

**22.** The Complainant states that it never assigned, licensed, sold, transferred or in any way authorized the Registrant to use the SNORERX Mark. There is no evidence that the Registrant ever used the name “SnoreRx” or that it had any interest in the Complainant’s corporate entity, or that it has a registered trade mark containing the name “SnoreRx”, or that it is a name by which the Registrant is commonly identified.

**23.** The Complainant has prior rights in Canada through the registration of the SNORERX Mark many years before the Registrant registered the Disputed Domain Name in 2026.

**24.** The Registrant is not making a legitimate non-commercial use or fair use of the Disputed Domain Name under Policy 3.4(c). The Registrant’s website is plainly commercial in nature and is not criticism, review, news reporting, or other fair use. It does not provide a bona fide commentary on the Complainant or its products; rather, it uses the Mark to drive sales of a competing product.

**25.** As referred to above, the Registrant did not register the Disputed Domain Name in Canada in association with any wares, services or business, because there is no evidence of any mark associated with the Disputed Domain. The Disputed Domain Name was not a mark in which the Registrant ever had rights.

**26.** The Registrant did not register the Disputed Domain Name with the consent or approval of the Complainant and the Registrant has not been licensed or otherwise permitted to use the Complainant’s Mark within the Disputed Domain Name or the website to which it resolves. The Registrant has no business relationship with the Complainant and has made no effort to establish that it has any rights in or authority to use the name “snoreRx”.

**27.** Not only is there no evidence that the Registrant has a legitimate interest in the Disputed Domain Name, to the contrary, there is sufficient evidence that only the Complainant has a legitimate interest in the Disputed Domain Name.

**28.** Accordingly, the Panel finds that the Complainant has satisfied the requirement that the Registrant has no legitimate interest in the Disputed Domain Name.

(c) **Has the Registrant registered the Disputed Domain Name in bad faith?**

29. Evidence of any of the non-exhaustive circumstances described in par. 3.5 of the Policy is evidence that a Registrant has registered a domain name in bad faith. That par. provides as follows:

**3.5 Registration in Bad Faith.** For the purposes of paragraphs 3.1(c) and 4.1(b), (bad faith”) 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:

- (a) 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;
- (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;
- (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.

30. The Complainant has provided evidence that the Disputed Domain Name resolves to a commercial web site that advertises a product similar to that offered for sale by the Complainant. When a visitor clicks the button labelled “Get - 70% discount” on the Registrant’s website, they are rerouted to a checkout page on a separate website at “<https://get-sleepzee.checkoutera.com>” that uses similar pictures and text as the Registrant’s website, but offers a “SleepZee” mouthpiece for purchase. Thus, it appears the Registrant registered the Disputed Domain name, which is confusingly similar to the SNORERX Mark, for the purpose of commercially benefitting from consumer confusion and diverting traffic from the Complainant’s legitimate website to a competing product listed on the SleepZee website.

31. The Registrant registered and uses the Disputed Domain Name primarily for commercial gain by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's Website and the competing product offered through its corresponding SleepZee website, which falls squarely within Policy 3.5(d). The Disputed Domain Name itself (SnoreRx + "plus") increases confusion by mirroring the Complainant's "SnoreRx Plus" product name.

32. The Registrant's conduct also demonstrates an intent to disrupt the Complainant's business and divert sales away from the Complainant's genuine SNORERX products to the competing SleepZee product, by routing purchase attempts from the Registrant's Website to the SleepZee Website and competing product. The only plausible explanation for selecting and using the Disputed Domain Name in this manner is to trade on the goodwill of the Complainant's SNORERX Mark and to misdirect consumers for commercial gain.

33. Both *Vanguard v. Danier*, DCA-1505-CIRA, July 11, 2013, and *Vanguard v. Molesky*, DCA-1555-CIRA, January 27, 2014, found bad faith where registrants used domain names incorporating the Complainant's trademarks to attract consumers to webpages with competitor links, thereby disrupting the Complainant's business within the meaning of Policy 3.5(c).

34. The Registrant has demonstrated no legitimate purpose or possible legitimate uses of its registration of the Disputed Domain Name.

35. The only reasonable inference to be drawn from the registration of a domain name that incorporates the whole of the Complainant's known, used and publicized Mark, in the absence of an explanation from the Registrant, is that it was done primarily for the purpose of competing with the Complainant. These facts are sufficient to demonstrate to the Panel the Registrant's bad faith in registering the Disputed Domain Name.

#### **DECISION AND ORDER:**

36. For the reasons set out in this decision, the Panel finds that the Complainant has satisfied all the requirements under the Policy in order to be successful in this proceeding and to be entitled to the remedy sought. As previously indicated, the Complainant is in compliance with the Canadian Presence Requirements for Registrants contained in CIRA Policies, Rules and Procedures which would allow it to initiate this complaint and be the registrant of a dot-ca domain name.

37. The Panel orders that the Disputed Domain Name <snorerxplus.ca> be transferred to the Complainant.

This order is made as of May 14, 2026.

Panel:



LESLIE E. MAEROV, FCI Arb., Q. Arb.

