



**CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE**

**DOMAIN NAME DISPUTE**

**ADMINISTRATIVE PANEL**

**DECISION**

CIIDRC case number:	<b>27084-CDRP</b>	Decision date: <b>June 16, 2026</b>
Domain Name:	<b>libertynaturals.ca</b>	
Panel:	<b>Brian Gray (Chair), Claude Freeman, Richard, Levy</b>	
Complainant:	<b>Liberty Natural Products Inc.</b>	
Registrant:	<b>Solace Industries Inc.</b>	

**OVERVIEW**

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

The Domain Name was registered on January 17, 2018.

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 ("CIRA").

**PROCEDURAL HISTORY**

The procedural history of this case was set out in a letter from CIIDRC to the Panel dated May 29, 2026

1. On May 3, 2026, James R Dierking filed a Complaint on behalf of Liberty Natural Products Inc., pursuant to the CDRP and the Resolution Rules directing that the registration of the disputed domain name **libertynatural.ca** (the "Domain Name") be transferred to the Complainant.

2. On May 4, 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 Name is Solace Industries Inc. (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 2018-01-17 (the "Registration Date").

3. Following its review of the Complaint, CIIDRC determined that the Complaint did not comply with the administrative requirements and notified the Complainant of the deficiencies on May 6, 2026.
4. The Complainant subsequently submitted an amended Complaint on May 8, 2026, containing Annexes 1-8.5. 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 May 8, 2026.
6. The deadline for submitting a Response was set for May 28, 2026.
7. On May 21, 2026, the Registrant filed its Response to the Complaint, attaching a “witnessed statement” of Ivo Wachter dated May 20, 2026 and exhibits A-I.
8. The Complainant deposited the required Panel fee on May 22, 2026.
9. On May 25, 2026, the Complainant submitted a “request for Leave and Limited Supplemental Submission” and “Consolidated Supplemental Annexes” S1-S-10.
10. The Panel considered the supplemental material filed by the Complainant and decided that it was in the interest of fairness to allow the additional material if the Registrant is given an opportunity to respond. Accordingly, the Panel issued Procedural Order Number 1 which accepted the Complainant’s supplemental material and provided that the Respondent (Registrant) shall have until 5 PM EDST, on June 10, 2026, to file a response to the Complainant’s additional materials, if it wishes to do so. Further the Panel extended the time for delivery of its Decision to June 30, 2026.
11. The Registrant did not file any additional material in response.

### **Panel Appointment**

12. On May 29, 2026, CIIDRC named **Claude Freeman** and **Richard Levy** as panelists. **Brian Gray** is named as Chair of the Panel. The panelists accepted their appointment and confirmed their impartiality and independence as required under Paragraph 7 of the Resolution Rules. The Panel determines that it has been properly appointed and constituted to determine the Complaint in accordance with the Rules.

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

13. The Complainant is a United States company based in Oregon City, Oregon. United States of America. The Respondent (Registrant) is a Canadian Company based in Red Deer, Alberta, Canada.
14. The Registrant registered the Domain Name *libertynaturals.ca* on January 17, 2018. The Registrant has been using the domain name since that time in connection with various products containing ionized water with small concentrations of hypochlorous acid used for its germ killing properties.

15. The Registrant also asserts that is has been using other “Liberty” marks prior to 2018 (including lliberty-groups.ca/.com) since 2015.

16. Furthermore, Mr. Ivo Wachter, a principal of the Registrant, asserts that at the time the domain name was registered in 2018, neither he nor the Registrant had any knowledge of Liberty Natural Products Inc., its business operations, or any alleged trademark rights it may have claimed.

17. The Complainant has an established business selling botanical extracts, essential oils, supplements, and related products since at least 1990 in the United States. It also alleges that it has been operating under the domain *libertynatural.com*, continuously since 1997, which domain, it alleges, has been widely used in connection with Complainant’s business, including sales into Canada. It asserts aggregate sales, since that time, in excess of \$115,000,000.00 in the United States, Canada and worldwide.

18. The Complainant has registered the trademark LIBERTY NATURAL in the Canadian Trademarks Office as registration 1,394,749 filed on January 12, 2021 and issued on April 20, 2026, in association with various cosmetic oils, essential oils for personal use, aromatic essential oils, essential oils for cosmetic purposes, essential oils for aromatherapy; hand soaps, and as registration 1,404,510 filed on January 12, 2021 and issued on April 20, 2026, *inter alia*, in association with dietary, nutritional and herbal supplements. In both cases, the word NATURAL is disclaimed.

19. The Complainant asserts that a Google search since at least 2010 would have revealed the Company and its name LIBERTY NATURAL selling the products listed in its registrations.

20. Sometime prior to June 2020, the Complainant became aware of the Registrant’s business and delivered a cease and desist letter to the Registrant asserting U.S. trademark registration and common law rights in the trade mark LIBERTY NATURAL. The letter also demanded that the *libertynationals.ca* domain name be transferred immediately to Complainant.

21. On September 9, 2021, the Complainant threatened legal action for failure of the Registrant to transfer the Domain Name to it. On September 21, 2021, the Registrant offered to sell the Domain Name *libertynaturals.ca* to the Complainant.

## **CONTENTIONS OF THE PARTIES**

### **Complainant**

22. The Complainant submits that the Domain Name *libertynaturals.ca* is confusingly similar to Complainant’s mark LIBERTY NATURAL. It incorporates the mark in its entirety. The addition of the letter “s” does not distinguish the Domain Name from the Complainant’s mark.

23. The Complainant submits. that it has prior common law trademark rights in the trademark LIBERTY NATURAL in Canada through sale of LIBERTY NATURAL products in Canada through its web site *libertynatural.com* since 1997. Complainant also submits that it has engaged in extensive interstate and

international commerce under the LIBERTY NATURAL mark for decades, including substantial cumulative sales in connection with botanical extracts, essential oils, natural products, herbal products, foods, nutritional supplements, and related commerce. Complainant also points to various procedures it has taken in the United States Patent and Trademark Office defending and renewing its U.S. rights.

24. The Complainant further submits that the evidence shows that the Complainant's mark LIBERTY NATURAL and the domain name *libertynatural.com* had substantial and prominent search engine visibility years before Respondent's adoption and use of *libertynaturals.ca*. The archived 2010 search results submitted by Complainant show multiple first-page indexed results associated with Complainant's LIBERTY NATURAL mark and *libertynatural.com* website in connection with botanical ingredients, essential oils herbs, aromatherapy, and natural products commerce. These materials collectively demonstrate, Complainant asserts, that Complainant's LIBERTY NATURAL mark was not obscure or dormant, or isolated, but instead represented a longstanding and highly visible commercial and internet presence.
25. The Complainant thus submits that the Registrant knew or must have known of the Complainant's prior rights in the confusingly similar mark LIBERTY NATURAL and its associated domain name prior to the adoption and registration of the Registrant's Domain Name *libertynatural.ca*.
26. Complainant further submits that Registrant's offer to sell the Domain Name as set out above is evidence of its bad faith at the time of Registration of the Domain Name three years earlier.
27. The Complainant therefore submits that the Registrant has no rights or legitimate interest in the Domain Name, that the Domain Name is confusingly similar to the Marks in which the Complainant has rights, , that the Registrant adopted the Domain Name with knowledge of the Complainant's prior rights, and that the Registrant has registered the Domain Name in bad faith..

### **Registrant**

28. The Registrant (Respondent) denies that the Domain Name was registered or used in bad faith and submits that it has a legitimate interest in the Domain Name.
29. Registrant points out that it registered the Domain Name in 2018, after using other marks that include the term LIBERTY, and registering other domain names with that term, and had no knowledge of the Complainant at that time. Registrant asserts that they have been using the Domain Name in good faith in Canada in connection with their business continuously since 2018.
30. Registrant does not deny that the Complainant's mark LIBERTY NATURALS "may be similar" to the Registrants domain name and in effect does not deny confusing similarity but points out that this is not sufficient to succeed in a Complaint under the CIRA Domain Name Rules or Policy.

31. Registrant submits that its offer to sell the Domain Name was made in the circumstances of a drop of sales during the Covid-19 period and its preference to find an amicable resolution of a potentially costly dispute; it denies that it had any intention to make such an offer at the time of Registration.

32. The Registrant submits that the Complaint fails to meet the requirements of the CIRA Domain Name Dispute Resolution Policy (CDRP) because the Registrant has a legitimate interest in the Domain Name and has adopted the Domain Name in good faith.

### **REMEDY SOUGHT**

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

### **DISCUSSION AND FINDINGS**

#### **Eligibility**

34 The Complainant is an eligible complainant under paragraph 1.4 of the CDRP. The Complainant is the owner of Canadian Trademark registrations for LIBERTY NATURAL under numbers 1,394,749 and 1,404,510.

#### **Requirements**

35. 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.

#### **Analysis**

##### **A. *Is the Domain Name confusingly similar to a Mark in which the Complainant has Rights?***

This element of the Policy requires that Complainant establish, first, that it has “Rights” in a “Mark”, and second, that the disputed domain name is “confusingly similar” to its mark.

The definition of a "Mark" is set out in Paragraph 3.2 of the Policy. Sub-paragraph (a) states that a "Mark" can be: "a trade-mark, including the word elements of a design mark, or a trade name that has been used in Canada by a person, or the person's predecessor in title, for the purpose of distinguishing the wares, services or business of that person or predecessor ..."

Paragraph 3.1(a) of the Policy requires that the Complainant has "Rights" in its Mark. The term "Rights" is not defined in the Policy but the Canadian trademark law has recognized that trademark rights may be developed through use in commerce (i.e., at common law) and without the benefit of a trademark registration.

"Confusingly similar" for the purposes of the CIRA Domain Name Policy requires only that the Domain Name so nearly resembles the Mark in appearance and sound or the ideas suggested by the Mark as to be likely to be mistaken for the Mark.

The Panel is satisfied that the Complainant has Rights in the Mark LIBERTY NATURAL for the purposes of this proceeding. The Panel finds that that Domain Name is confusingly similar to the Mark.

**B. *Did the Registrant register the Domain Name in bad faith?***

Under Paragraph 4.1(b) of the Policy, the Complainant must demonstrate, on a balance of probabilities, that the Registrant registered the Domain Name in bad faith.

Inherent to a finding of bad faith is some attribution of knowledge by a registrant of a complainant's trademark, whether actual or based upon a conclusion that a registrant should have known of the mark.

Paragraph 3.5 of the Policy sets out, without limitation, four frequently occurring examples of bad faith.

Paragraphs 3.5 (a) and (b), respectively, state that evidence of bad faith registration may be found where the Registrant registered or acquired the Registration primarily for the purpose of selling, renting, licensing or transferring the Registration to the Complainant or a competitor of the Complainant or has registered the domain name to prevent the Complainant from registered its Mark as a domain name.

Paragraphs 3.5(c) and (d) state, respectively, that evidence of bad faith registration may be found where:

"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

"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 Panel is satisfied that, on the balance of probabilities, the Complainant has not proven that the Registrant had knowledge of the Complainant's Mark at the time that it registered its Domain Name. The Panel notes that, while the Complainant asserts use of the Mark in Canada, it does not adduce any invoices or direct evidence of sales in Canada at any time and certainly not during the period prior to the Registrant's registration of the Domain Name. No Sales figures in Canada are provided. While considerable evidence is provided of various enforcement proceedings to protect its Mark in the United States., it would not be surprising if a Canadian businessman would not have knowledge of such activities.

Furthermore, the Complainant's applications for registration in Canada of its trademark LIBERTY NATURAL were not filed until after the Registrant had already obtained its Domain Name so that a search in the Canadian trademarks office would not have revealed an application for the Complainant's mark.

The Complainant's Mark and business might have been located by a Google search in 2018, at the time of Registration of the Domain Name, but this does not prove on the balance of probabilities that the Registrant knew of such business or the Complainant's Mark.

Further the fact that the Registrant offered to sell the domain name over three years after it was registered and used by the Registrant in a bona fide business and in the context of a litigation threat from the Complainant does not demonstrate that the Registrant registered the domain name in order to sell it to the Complainant.

For these reasons the Panel finds that Complainant does not succeed on Paragraph 4.1(b) of the Policy, in proving that the Registrant registered the Domain Name in bad faith.

**C. Does the Registrant have a Legitimate Interest in the Domain Name?**

Paragraph 4.1(c) of the Policy states that the Complainant must provide "some evidence" that "the Registrant has no legitimate interest in the domain name as described in paragraph 3.4."

If the Complainant does so, the Registrant will still succeed in the proceeding if he "proves, on a balance of probabilities, that [he] has a legitimate interest in the domain name as described in paragraph 3.4."

Paragraph 3.4 provides six particular, but non-limiting, examples, of circumstances, any one of which, if supported by evidence, shall demonstrate that Registrant has a legitimate interest in the Domain Name. The first of these applies and reads as follows:

"a) the domain name was a Mark, the Registrant used the Mark in good faith, and the Registrant had Rights in the Mark."

As pointed out above, "Rights" is not defined in the Rules. Can the Registrant and the Complainant both have "Rights" by the Rules? The answer appears to be yes. The Panel finds that the Complainant does have some Rights pursuant to its use and trademark registrations, but the Registrant does have Rights based on its good faith adoption of the Domain Name. In fact, Complainant acknowledges that Registrant appears to have conducted

genuine business operations and product sales. (Complainant's Limited Supplemental Submissions V. Chronology of Respondent's Branding Materials) The issue is whether the Domain Name registration is based on a legitimate interest in view of the evidence adduced by the Complainant of its prior reputation. Complainant has not proven that the Registrant had knowledge of the Complainant's use before the Registrant's registration of the Domain Name. The Complainant has conceded that the Registrant is conducting a genuine business. .

Based on all of the evidence and arguments submitted by both parties, the Panel finds on a balance of probabilities, that the Registrant has demonstrated that it has a "legitimate interest" in the Domain Name, as contemplated by Paragraph 3.4 (a) of the Policy.

**DECISION and ORDER**

The Panel finds that the Complainant has failed to satisfy its burden of proving that the Domain Name was registered in Bad Faith. Additionally, the Registrant has demonstrated on a balance of probabilities that it has a legitimate interest in the Domain Name.

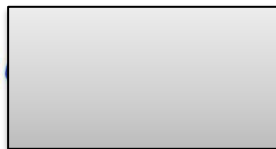
For the reasons stated above, and in accordance with Paragraph 4 of the Policy and Paragraph 12 of the Rules, the Panel orders that the Complaint be denied.

Deemed made at Toronto Canada this 16<sup>th</sup> day of June 2026.

**SIGNATURE OF PANEL**



Brian Gray FCI Arb



Claude Freeman

Richard S. Levy

