



## CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

### DOMAIN NAME DISPUTE

### ADMINISTRATIVE PANEL

### DECISION

CIIDRC case number:	<b>27057-UDRP</b>	Decision date: 10 June, 2026
Domain Name:	<b>&lt;torexresources.com&gt;</b>	
Registrar:	<b>Squarespace Domains II LLC</b>	
Panel:	<b>Rodolfo Rivas</b>	
Complainant:	<b>Torex Gold Resources Inc.</b>	
Respondent:	<b>Andrew Adams</b>	

#### 1. PROCEDURAL HISTORY

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

1. On May 12, 2026, counsel for the Complainant, filed a Complaint 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) via online platform.
2. On May 12, 2026, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, and the Registrar responded advising of the identity of the Respondent and providing the above-noted contact details. In addition, the Registrar confirmed that the disputed domain name was placed in a Registrar LOCK.
3. On May 19, 2026, CIIDRC confirmed compliance of the Complaint and commencement of the dispute resolution process.
4. On May 19, 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.
5. The deadline for submitting a Response was set for June 8, 2026.

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6. The Respondent did not submit a Response.
7. The Complainant in this administrative proceeding has elected for a Panel consisting of a single-member.
8. In accordance with Rule 5 (d), CIIDRC appointed the undersigned as a single-member Panel in the above-referenced matter.
9. Absent exceptional circumstances, and pursuant to Rule 15 (b), the Panel will issue the decision by June 23, 2026. CIIDRC will communicate the full text of the decision to the parties and the concerned Registrar.
10. The disputed domain name was registered on July 26, 2017.

## **2. FACTS ALLEGED BY THE PARTIES**

The Complainant is a Canadian mining company headquartered in Toronto, Canada, engaged in the exploration, development, and production of gold, silver, and copper. Its flagship asset is the Morelos Complex, a 29,000-hectare mining complex located in Guerrero, Mexico, which has been in commercial production since April 1, 2016.

The Complainant began operating under the trade name Torex Gold Resources Inc. on April 30, 2010, following a change of name from Gleichen Resources Limited. Since that time, the Complainant has continuously used the TOREX name in connection with the development and operation of its mining business. The Complainant is publicly traded on the Toronto Stock Exchange and has traded under its current name since April 30, 2010.

The Complainant owns the registered trademark TOREX and claims common law rights in other TOREX-formative marks. The Complainant states that, through its mining operations and public profile, including the commercial production of the ELG open pit mine at the Morelos Complex beginning in 2016, it has developed substantial reputation and goodwill in the TOREX name and mark.

Between 2016 and 2025, the Complainant generated in excess of USD 7.1 billion in revenue from the sale of metals mined from its properties. In 2025, the Morelos Complex produced more than 383,000 gold equivalent ounces. The Complainant has also expanded its operations through the acquisition of the Los Reyes Project in Sinaloa, Mexico in October 2025, and the acquisition of Reyna Silver in August 2025, which added early-stage exploration properties in Mexico and the United States.

The Respondent registered the disputed domain name in 2017. The disputed domain name does not currently resolve to an active webpage, and there is no evidence before the Panel that it has ever been actively used.

## **3. CONTENTIONS OF THE PARTIES**

- **Complainant**

1. The Complainant's trademark rights

The Complainant owns the trademark "TOREX", which it registered in Canada under Registration No. TMA844079. This trademark was registered on February 21, 2013.

The trademark "TOREX" has been used in Canada since at least as early as 2013 as revealed by the registration particulars for the trademark "TOREX" taken from the Canadian Intellectual Property Office's trademarks database. The registration particulars state that a Declaration of Use was filed with the Canadian Intellectual Property Office on February 11, 2013.

The Complainant also owns an application for the trademark "TOREX" in the United States of America.

The Complainant also has common law trademark rights in the trademarks "TOREX GOLD RESOURCES INC" Design (shown below) and "TOREX GOLD".



The Complainant has developed a substantial reputation in its TOREX-formative trademarks. The Complainant has used these TOREX-formative trademarks since at least as early as 2010.

The Complainant prominently features its TOREX-formative trademarks on its website located at <torexgold.com> where it advertises its mining services.

The Complainant used its trade name and trademark TOREX GOLD RESOURCES INC on its website as early as 2010.

The Complainant also used the trademark TOREX GOLD on the website as early as 2010.

Lastly, the Complainant used the trademark TOREX on the website as early as 2014.

Between late 2022 and 2025, the Complainant's website was visited by more than 250,000 Internet users. The Complainant only has records of web traffic from the period of September 2022 to 2025. The Complainant would expect similar levels of Internet traffic to its website with slight reductions annually for years prior to late 2022.

The TOREX-formative trademarks are also displayed on public events relating to the Complainant. For example, the image below shows the trademark TOREX GOLD RESOURCES INC Design on banners at a public relations event celebrating the expansion of the Complainant's operations.

The Complainant also uses its TOREX-formative trademarks on press releases and public disclosure documents. The TOREX-formative trademarks are also featured in materials released by the Complainant's commercial partners.

The Complainant is also discussed in the documentary "GOLD: The Journey Continues" published on YouTube by the World Gold Council. This documentary explores the positive impact a gold mine can have. It was uploaded in 2024 and has more than 5 million views.

The Complainant also displays its trademarks at its mine locations.

The foregoing demonstrates that the Complainant has strong, longstanding rights in TOREX-formative trademarks dating back at least to 2010. The trademarks are displayed on the Complainant's website, in public events and public documents, and on signage displayed at its site locations. The Complainant has also generated significant revenue since 2016 in association with these trademarks.

Indeed, the Applicant's TOREX-formative trademarks are so well-known that a Google search for "torex resources" only provides results related to the Complainant on the first page of search results, as shown in the printouts shown in Annex J.

Because the disputed domain name was only registered in 2017, the existence of the Canadian trademark registration for TOREX (which issued in 2013) and the long-standing common law rights in the TOREX-formative trademarks easily establishes that the Complainant had rights in a trademark that predated the registration of the disputed domain name.

#### The Respondent's Business

The disputed domain name does not currently resolve to an active webpage.

Furthermore, there is no indication that the disputed domain name ever resolved to an active webpage. For example, the Wayback Machine, which archives Internet webpages, has no records for the disputed domain name. While this doesn't prove without a doubt that the disputed domain name was never used, it provides persuasive evidence that suggests that the disputed domain name was not actively used.

At no point did the Complainant give the Respondent permission to incorporate "torex" as part of a domain name, use "torex" as part of its business or trade name, or to otherwise impersonate or imply an affiliation with the Complainant. As a result, the Respondent's incorporation of "torex" into its domain name was at all times without permission or authorization.

The disputed domain name

The first portion of the disputed domain name, “torex”, is the most prominent and distinctive portion of the domain because it is placed in the prominent first position of the domain. Furthermore, “torex” is a distinctive term because it has no dictionary definition, so it is inherently arbitrary in association with goods and services (i.e. resource development). This element is the first element that consumers see, and it will linger in consumers’ minds as the most memorable portion of the domain. Importantly, the element “torex” is identical to the Complainant’s registered trademark “TOREX”.

The element “resources” in the disputed domain name does not serve to distinguish the disputed domain name from the Complainant’s registered trademark “TOREX”. Indeed, it will serve to draw a connection with the Complainant and its business. As discussed above, the Complainant is a mining company, so it can be categorized as a company involved in the “resources” industry through resource extraction. Furthermore, the Complainant uses the trade name and trademark TOREX GOLD RESOURCES INC, which incorporates both the “torex” and “resource” elements featured in the disputed domain name.

Therefore, rather than distinguishing the disputed domain name from the trademark “TOREX”, the inclusion of the term “resources” in the disputed domain name heightens consumer confusion and leads consumers to believe that the disputed domain name is in some way affiliated with the Complainant when that isn’t the case.

The disputed domain name, [torexresources.com](http://torexresources.com), can clearly be read as the two words “torex” and “resources”, with the Complainant’s trademark being clearly visible therein. As such, the Complainant submits that the disputed domain name is confusingly similar to the Complainant’s trademark “TOREX” in which the Complainant had rights prior to the registration of the disputed domain name.

2. The Respondent has no rights or legitimate interests in respect of the domain name that is the subject of the Complaint

With respect to paragraph 4(c)(i) of the Policy, there is no evidence of the Respondent’s use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Indeed, as discussed above, the domain name does not even resolve to an active webpage, and there is no indication the webpage was ever actively used. As such, there is no evidence of use or preparations to use the domain name with a bona fide offering of goods and services.

With respect to paragraph 4(c)(ii) of the Policy, there is no evidence that the Respondent has been commonly known by the disputed domain name. As discussed above, the disputed domain name does not resolve to an active webpage, so there is no indication that they are trading under that name.

With respect to paragraph 4(c)(iii) of the Policy, the Respondent is not making legitimate non-commercial or fair use of the disputed domain name. As discussed, the Respondent is making no use of the disputed domain name despite it being registered in 2017.

Because of the difficulty in proving a negative (i.e., that the Respondent does not have rights in the disputed domain name), the Complainant needs to establish a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The burden then falls on the Respondent to prove that it has rights or legitimate interests in the domain.

The fact that the disputed domain name does not resolve to an active webpage is strong evidence that suffices to meet the Complainant's burden. The Complainant showed that the disputed domain name does not resolve to an active webpage and has provided evidence that suggests it was never actively used. There is therefore no use of the disputed domain name (despite being registered in 2017) which would confer rights or legitimate interests to the Respondent.

Therefore, the Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name, and the Complainant has satisfied its burden under paragraph 4(c) of the Policy.

### 3. The disputed domain name was registered and is being used in bad faith

In this case, the Respondent demonstrated bad faith by registering a domain name that is confusingly similar to trademarks in which the Complainant has prior rights and that implies to Internet users that it is associated with the Complainant when that isn't the case.

The WIPO Jurisprudential Overview 3.1 notes that "panelists have found that the non-use of a domain name (including a blank or 'coming soon') page would not by itself prevent a finding of bad faith ... the registration and non-use of a domain name can still constitute bad faith for the purposes of the Policy." Panelists consider such factors as the distinctiveness or reputation of the complainant's mark, the failure of the respondent to submit a response, the respondent taking steps to conceal its identity, or the use of false or inaccurate contact details.

The present circumstances establish that the disputed domain name was registered in bad faith. As discussed above, the Complainant's trademarks are known. They are prominently displayed on the Complainant's website where it promotes its services, and the Complainant has generated significant revenue through services offered in association with its trademarks. Given how known the Complainant's trademark "TOREX", and its TOREX-formative trademarks were prior to the registration of the disputed domain name, the Respondent likely knew about the Complainant's trademark rights. This is corroborated by the fact that it combined the distinctive and well-known element "torex", with the element "resources" which is highly suggestive of the Complainant's business. Furthermore, it is unlikely to be a coincidence that the disputed domain name was registered in 2017, shortly after the public profile of the Complainant rose dramatically due to its first mine beginning commercial production in 2016. This suggests that the domain was registered to benefit from the increasing notoriety of the Complainant, such as by obtaining web traffic by causing Internet confusion or to sell the domain back to the Complainant.

Furthermore, the Complainant's passive holding of the disputed domain name constitutes bad faith use of the disputed domain name. As discussed above, the Complainant's trademark "TOREX" is distinctive and known, and, as shown by the Whois, the Respondent has redacted its identifying information thereby concealing its identity. These factors all indicate that the Respondent's passive holding of the disputed domain name constitutes bad faith use.

In this case, the Respondent registered a domain name that incorporates the Complainant's registered trademark "TOREX" verbatim, adding only the word "resources". The Respondent is not affiliated with the Complainant and there is no legitimate purpose to which the domain could be used.

Indeed, even if the disputed domain name resolved to an active webpage, such use nonetheless constitutes bad faith use because the domain name would confuse Internet users as to the source or affiliation of the disputed domain name. The disputed domain name, by combining the Complainant's trademark "TOREX" with "resources", leads Internet users to believe the disputed domain name is in some way affiliated with the Complainant where that's not the case. As discussed above, the Complainant can be categorized as a "resources" company because it operates in the field of resource extraction. Furthermore, the Complainant uses a trade name and trademark that features the word "resources – TOREX GOLD RESOURCES INC". Therefore, the combination of the Complainant's known trademark TOREX with the descriptive term "resources" would immediately lead consumers to assume that the disputed domain name is affiliated with the Complainant.

Furthermore, the continued registration of such a confusing domain name acts an ongoing threat hanging over the Complainant's head. The Complainant has no control over what the Respondent does with the disputed domain name, such as if it is used to host a website with content that hurts the reputation the Complainant has built in its trademarks or if it is used to send phishing emails (such as xxx@torexresources.com). Because the disputed domain name, by its very construction, creates an association with the Complainant, any use of the domain will impact the reputation the Complainant has established in its TOREX-formative trademarks.

Therefore, even if the Respondent began using the disputed domain name, such use would constitute bad faith use under the Policy, because it would immediately lead Internet users to believe that the domain is affiliated with the Complainant, when that isn't the case.

For the foregoing reasons, on a balance of probabilities, the Complainant submits that the Respondent registered and used the disputed domain name in bad faith, contrary to the Policy.

- **Respondent**

The Respondent did not submit a Response.

- **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.

##### **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 has provided evidence that it owns the registered trademark "TOREX", registered in Canada under Registration No. TMA844079 on February 21, 2013. On the basis of the record before it, and in the absence of any Response or explanation to the contrary from the Respondent, the Panel is satisfied, on the balance of probabilities and based on the evidence at hand, that the Complainant has rights in the trademark "TOREX" for purposes of paragraph 4(a)(i) of the Policy.

Disregarding the ".com" gTLD, the disputed domain name consists of the Complainant's "TOREX" trademark followed by the term "resources". The Complainant's trademark is clearly recognizable within the disputed domain name. As noted in section 1.7 and 1.8 of the WIPO Overview 3.0 which are persuasive to the Panel, the test for confusing similarity typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name and where the relevant trademark is recognizable within the disputed domain name, the addition of other terms, whether descriptive, geographic, pejorative, meaningless, or otherwise, does not prevent a finding of confusing similarity under the first element.

Here, the addition of the word "resources" does not avoid a finding of confusing similarity. To the contrary, given the nature of the Complainant's business in the mining and natural resources sector, the term "resources" may reinforce the apparent association with the Complainant. However, for purposes of the first element, it is sufficient that the Complainant's registered "TOREX" trademark remains immediately recognizable in the disputed domain name. Nevertheless, this may be discussed further below.

The Panel notes that the Complainant has also advanced arguments regarding alleged common law rights in TOREX-formative marks, including TOREX GOLD and TOREX GOLD RESOURCES INC. The Panel does not consider it necessary to determine whether the Complainant has established such common law rights for purposes of the first element, as the Complainant's standing under paragraph 4(a)(i) of the Policy is adequately established by its registered "TOREX" trademark. Some of the factual assertions advanced by the Complainant in that regard may, however, be relevant to the Panel's analysis under the second and third elements below.

Accordingly, the Panel finds that the disputed domain name is identical or confusingly similar to trademarks in which the Complainant has rights, and that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

#### **4.2.2 Rights or Legitimate Interests in respect of the Domain Name**

In the present case, the Complainant has asserted that it has not authorized, licensed, or otherwise permitted the Respondent to use the "TOREX" trademark, whether in a domain name or otherwise. The Complainant has also submitted that there is no evidence that the Respondent has been commonly known by the disputed domain name, nor that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

The disputed domain name does not currently resolve to an active webpage, and the record contains no evidence that it has ever been actively used. On the balance of probabilities, and in the absence of any explanation to the contrary, the Panel considers that such non-use does not support a finding of rights or legitimate interests in the disputed domain name, especially considering the date of registration of the disputed domain name. There is also no evidence before the Panel of any legitimate noncommercial or fair use of the disputed domain name.

The Panel further notes that the disputed domain name incorporates the Complainant's registered "TOREX" trademark in its entirety, together with the term "resources". While the assessment under the second element is separate from the confusing similarity analysis under the first element, the composition of the disputed domain name is relevant. Given that the Complainant operates in the mining and natural resources sector, the addition of the term "resources" does not appear, on the present record, to suggest any independent legitimate interest of the Respondent. Rather, in the absence of any Response, it tends to reinforce an apparent connection with the Complainant and its main field of activity.

The Respondent did not submit a Response and has not come forward with any evidence showing rights or legitimate interests under paragraph 4(c) of the Policy, or otherwise. There is no evidence before the Panel that the Respondent has used the disputed domain name in connection with a *bona fide* offering of goods or services; that the Respondent has been commonly known by the disputed domain name; or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or tarnish the Complainant's trademark.

Based on the evidence at hand, and without any explanation to the contrary from the Respondent, the Panel finds, on the balance of probabilities, that the Complainant has made out a *prima facie* case which the Respondent has failed to rebut.

Accordingly, the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

#### **4.2.3 Registration and Use of the Domain Name in Bad Faith**

The Complainant's registered "TOREX" trademark predates the registration of the disputed domain name. The record shows that the Complainant's Canadian trademark registration for "TOREX" issued on February 21, 2013, while the disputed domain name was registered in 2017. The Complainant has also provided evidence and assertions concerning its use of the "TOREX" name in connection with its mining business since 2010, its public profile as a Canadian mining company, and the commencement of commercial production at its Morelos Complex in Mexico in 2016.

The disputed domain name incorporates the Complainant's "TOREX" trademark in its entirety, followed by the term "resources". In the circumstances of this case, the Panel considers this composition significant. The term "resources" is closely connected with the Complainant's main field of activity, namely mining and natural resources. On the balance of probabilities, and in the absence of any explanation to the contrary from the Respondent, the Panel finds it unlikely that the Respondent selected the disputed domain name by coincidence.

The Panel further notes that the disputed domain name does not currently resolve to an active webpage, and there is no evidence before the Panel that it has ever been actively used. The passive holding of a domain name does not, by itself, prevent a finding of bad faith. As reflected in section 3.3 of the WIPO Overview 3.1, which is persuasive to the Panel, panels consider the totality of the circumstances, including the distinctiveness or reputation of the complainant's mark, the failure of the respondent to submit a response, the respondent's concealment of identity or use of inaccurate contact information, and the implausibility of any good-faith use of the disputed domain name.

Here, the relevant circumstances point toward bad faith. The Complainant's "TOREX" trademark is distinctive. The disputed domain name reproduces that mark in full and adds a term directly suggestive of the Complainant's industry. The Respondent has not filed a Response and has offered no explanation for its registration of the disputed domain name, no evidence of any contemplated good-faith use, and no basis on which the Panel could infer a legitimate reason for registering a domain name of this composition.

The Panel also considers that any active use of the disputed domain name would carry a significant risk of implied affiliation with the Complainant. The disputed domain name, naturally suggests a connection with an entity operating under the "TOREX" name in the resources sector. In the absence of any rights or legitimate interests on the part of the Respondent, such a risk supports a finding that the disputed domain name was registered and is being held in bad faith.

The Panel is mindful that bad faith must be assessed on the evidence before it. The Respondent's default does not automatically result in a finding for the Complainant. However, where the Complainant has presented a plausible and supported case, and the Respondent has chosen not to rebut it, the Panel may draw appropriate inferences from the Respondent's silence.

Accordingly, based on the totality of the circumstances, the evidence at hand, and without any explanation to the contrary from the Respondent, the Panel finds, on the balance of probabilities, that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy is therefore satisfied.

**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 disputed domain name is transferred to the Complainant.

Made as of 10 June, 2026.

SIGNATURE OF PANEL

