



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

ADMINISTRATIVE PANEL

DECISION

CIIDRC Case Number:	27059-CDRP	Decision date: 17 June 2026
Domain Name:	<bensherman.ca>	
Panel:	Robert A. Fashler	
Complainant:	Ben Sherman IP Holdings LP c/o Marquee Brands	
Registrant:	Terry Wade Davies	

1. OVERVIEW

1.01 This proceeding concerns the domain name <bensherman.ca> (“**Disputed Domain Name**”), which was registered with the Canadian Internet Registration Authority (“**CIRA**”) on September 16, 2006, and continues to be so registered.

1.02 This proceeding is governed by the Canadian Domain Name Dispute Resolution Policy (version 1.3) (“**Policy**”) and the Canadian Dispute Resolution Rules (version 1.6) (“**Rules**”).

1.03 This proceeding is administered by the Canadian International Internet Dispute Resolution Centre (“**CIIDRC**”), which is a recognized domain name dispute resolution service provider under the Policy.

2. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from CIIDRC to the Panel dated May 27, 2026, as follows:

2.01 On April 24, 2026:

- (a) On behalf of the Complainant Catherine Lovrics and Amylee Hu-Fouye of Marks & Clerk Canada filed a complaint (“**Complaint**”) pursuant to the CDRP and the Rules;
- (b) CIIDRC verified that the Complaint was in administrative compliance with CIRA’s requirements under paragraph 3.2 of the Rules; and
- (c) CIIDRC notified CIRA of this proceeding by email.

- 2.02 On April 27, 2026, CIRA notified CIIDRC by email that:
- (a) the registration for the Disputed Domain Name ("**Registration**") had been placed on Registrar's LOCK;
 - (b) the registrant of the Disputed Domain Name is Terry Wade Davies ("**Registrant**"); and
 - (c) the Disputed Domain Name was registered on September 16, 2006 ("**Registration Date**").
- 2.03 On April 30, 2026, CIIDRC emailed a letter to the the Registrant giving notice that that this proceeding has been commenced, providing a copy of the Complaint, and informing the Registrant that a Response was due May 20, 2026.
- 2.04 As of May 27, 2026, no Response had been filed by the Respondent.
- 2.05 The Complainant has elected for a Panel consisting of a single-member.
- 2.06 On May 26, 2026, the Complainant deposited the required Panel fee.
- 2.07 On May 27, 2026, CIIDRC appointed Robert A. Fashler as the single-member Panel in this proceeding.

3. FACTS

Complainant's Allegations

The Complaint alleges the following facts:

- 3.01 Complainant complies with paragraph 1.4 of the Policy and paragraph 3.2 (f) of the Rules because it satisfies paragraph 2 (q) of the Canadian Presence Requirements for Registrants because it is the owner of a Canadian registration for the trademark BEN SHERMAN ("**Complainant's Primary Registration**") and the Disputed Domain name consists of that exact trademark. The Panel notes that the .ca top level domain is not included in the definition of "domain name" set out in paragraph 1.2 of the Policy.
- 3.02 Complainant is a U.S. company engaged in the sale of clothing, accessories, footwear, fragrance, home goods, and online retail services worldwide.
- 3.03 Complainant owns, in Canada and internationally, numerous registrations (including Complainant's Primary Registration), applications for registration, and common law rights in trademarks that consist of or feature the words BEN SHERMAN ("**Complainant's Trademarks**"). Complainant provides abundant evidence in support of those assertions.
- 3.04 Complainant's Primary Registration:

- (a) issued in the Canadian Intellectual Property Office (“CIPO”) on September 17, 2003, under registration number TMA590020, more than three years before the Registration Date of the Disputed Domain Name; and
 - (b) claims goods and services in a variety of categories, a significant portion of which comprise clothing and fashion accessories.
- 3.05 Complainant and its predecessors in title have provided goods and services in Canada under the BEN SHERMAN trademark since at least as early as 1995, initially in connection with shirts, and subsequently expanding use in connection with additional goods and services. Use of the BEN SHERMAN Mark in Canada has been extensive and continuous since that time.
- 3.06 Since August 3, 2000, in excess of CAD \$20 million had been spent on advertising and promotion of the BEN SHERMAN products worldwide. During this period, revenues exceeding CAD \$750 million were generated globally.
- 3.07 Between 1995 and August 2000, approximately CAD \$70,000 in revenues were generated in Canada from the sale of goods bearing the BEN SHERMAN trademark.
- 3.08 Before Complainant’s Primary Registration issued, BEN SHERMAN brand goods were sold in Canada through online channels and third-party retail locations, including The Bay, styleXchange, Leone, Stars Men’s Shops, Body Blue, and Coast Mountain Sports.
- 3.09 Complainant maintains and operates the domain name <bensherman.com> through which Complainant’s goods and services are offered internationally. The <bensherman.com> website was available in Canada, and prominently displayed the BEN SHERMAN Mark, well before the Registration Date. Complainant provides a WHOIS search for <bensherman.com>, which indicates a creation date of July 29, 1997.
- 3.10 The BEN SHERMAN official website accessed via <bensherman.com> has been active for at least 23 years and has prominently displayed the BEN SHERMAN trademark, which was registered long before Registration Date.
- 3.11 Complainant provides copies of print advertising and newspaper coverage showing use of the BEN SHERMAN trademark in Canada before the Registration Date.
- 3.12 Complainant’s prominent and extensive use, promotion, and advertisement of the BEN SHERMAN trademark and Complainant’s domain name <bensherman.com> before the Registration Date, the trademark BEN SHERMAN Mark had become well recognized by Canadian consumers as designating Complainant as the source of the services so marked before the Registration.

Registrant’s Allegations

- 3.13 The Registrant has not filed any Response.

4. CONTENTIONS OF THE PARTIES

Complainant

Complainant submits as follows:

A. Confusing Similarity

- 4.01 The Disputed Domain Name is identical to Complainant's Trademarks in appearance, sound, and idea as to be likely to be mistaken for Complainant's Trademarks, including the trademark covered by Complainant's Primary Registration. The key element of all Complainant's marks is the words BEN SHERMAN.
- 4.02 BEN SHERMAN is a Mark, and Complainant had rights in it, before the Registration Date. For example, Complainant's Primary Registration for the Mark issued September 17, 2003, well before the Registration Date.
- 4.03 Paragraph 1.2 of the Policy provides that for the purposes of the CDRP, the term "domain name" means the domain name excluding the "dot-ca" suffix.

B. Legitimate Interests

- 4.04 *"The Registrant is not and has never been a licensee of Complainant or its predecessor, nor has the Registrant ever been authorized to use Complainant's BEN SHERMAN Mark, nor has it made any good faith or legitimate use of the mark BEN SHERMAN in any manner or for any purpose which would give rise to rights under paragraph 3.4(a) of the Policy."*
- 4.05 *"The Complainant and its predecessor actively monitor the Canadian marketplace for uses of marks that may be confusing to BEN SHERMAN, and verily believes that the Registrant is not commonly known as "BEN SHERMAN," and did not register the Domain Name in good faith in association with any goods, services, or business that it has any right to offer. Therefore, the Registrant has no legitimate interest under paragraph 3.4(b) of the Policy."*
- 4.06 *"... the BEN SHERMAN name is not, and cannot be understood to be, the generic name of any goods, services, or business. Rather, it is a trademark owned by the Complainant in association with the Complainant's goods, including as promoted and advertised at the Complainant's website to consumers since at least as early as 1997. Therefore, the Registrant has no legitimate interest under paragraph 3.4(c) of the Policy."*
- 4.07 *"... Registrant has not used the Domain Name in association with non-commercial activities such as criticism, review, or news reporting. Rather, the Registrant purported to, at times, offer the Domain Name for sale, and to list pay-per-click advertisements relating to the Complainant's goods through the Domain Name.... Therefore, the Registrant has no legitimate interest under paragraph 3.4(d) of the Policy."*
- 4.08 *"Panels have consistently held that WHOIS information may be relied upon to determine whether a registrant is commonly known by a disputed domain name. The WHOIS records identify the Registrant as "Terry Wade Davies," and nothing in the WHOIS information suggests that the Registrant is commonly known by "Ben Sherman." Nor does the name "Terry Wade Davies" bear any resemblance to "Ben Sherman" or otherwise indicate that the Registrant is commonly identified by*

<bensherman.ca>. Accordingly, the Registrant has no legitimate interest in the Domain Name under paragraph 3.4(e) of the Policy."

- 4.09 *"... the Domain Name is not the geographical name of any location. Therefore, the Registrant has no legitimate interest under paragraph 3.4(f) of the Policy."*
- 4.10 *"The Disputed Domain Name currently resolves to a pay-per-click parking page displaying a "This domain name may be for sale" banner at the top of the webpage." Complainant provided screenshots of the website to which the Disputed Domain Name resolved ("Registrant's Website") as of April 10, 2026, and April 14, 2026.*
- 4.11 *As noted, Registrant's Website displays the words "This domain name may be for sale". Clicking on that message takes the user to an above.com marketplace listing, which offers the Disputed Domain Name for sale for USD \$2,900. Complainant provided a screenshot of the above.com marketplace listing.*
- 4.12 *"Registrant does not use, nor has it made any preparations to use the Domain Name in connection with a bona fide offering of goods or services. The Registrant itself offers neither goods nor services."*
- 4.13 *Registrant's Website "consists of the "pay-per-click" advertisements, consisting of a list of 'related searches' that divert the Internet traffic to web pages related to categories including, e.g., "Men's Fashion Trends in Canada", "Trousers for Men," "Trendy Clothes for Guys", and "Branded Clothing" which pertain to the goods offered by Complainant under the BEN SHERMAN Mark. By way of example, upon selecting one such pay-per-click advertising link, Internet users are redirected to a third-party website offering related goods or services."*
- 4.14 *Complainant provided a screenshot showing the resulting third-party webpage accessed via one such advertising link. "Such conduct serves the purpose of generating revenue through pay-per-click advertising and creates a likelihood that Internet users may be misled into believing that the Domain Name or associated webpage is related to or operated by the Complainant."*
- 4.15 *"... there is no legitimate basis for Registrant's registration and/or use of the <bensherman.ca> domain name, which is identical and confusingly similar to Complainant's BEN SHERMAN Mark. The Registrant's lack of legitimate interest in the Domain Name is also supported by the Registrant having registered the Domain Name in bad faith...."*

C. Bad Faith of Registrant

- 4.16 *Complainant's BEN SHERMAN trademark was well known in Canada several years before the Registration Date as a consequence of Complainant and Complainant's predecessor in title carrying on the following activities:*
- (a) *significant use of Complainant's Trademarks, especially BEN SHERMAN, in Canada well before the Registration Date in association with goods, services, and Complainant's website accessed via <bensherman.com> ("**Complainant's Website**");*
- (b) *significant worldwide advertising and promotion of Complainant's goods and services;*

(c) effecting Complainant's Primary Registration three years before the Registration Date.

Complainant provided ample evidence in support of those assertions.

- 4.17 *"... there is no evidence that Registrant has used or plans to use the Domain Name for a legitimate or bona fide purpose. Registrant currently lists the Domain Name for sale for USD\$2900, a sum far in excess of the value of the out-of-pocket costs directly related to the registration and maintenance of the Domain Name, which demonstrates the Registrant's knowledge of and intent to capitalize on the Complainant's trademark rights, contrary to paragraph 3.5(b) of the Policy."*
- 4.18 *"... the website to which the Domain Name resolved contained pay-per-click advertising links referring to the same categories of goods offered by the Complainant under the BEN SHERMAN Mark (see Annex 9). In these circumstances, the Registrant knew, or ought reasonably to have known, that the Complainant owned enforceable rights in the BEN SHERMAN Mark and nevertheless used the Domain Name in a manner designed to intentionally attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's marks as the source of the website or of a product or service on that website."*
- 4.19 *"The very nature of Registrant's registration and use of the Domain Name evidences bad faith. The Complainant respectfully submits that the Registrant knowingly registered the Domain Name containing an exact reproduction of the well-known BEN SHERMAN Mark and to capitalize on consumer recognition of the BEN SHERMAN Mark and to target Complainant. By doing so, the Registrant has: (1) attempted to sell the Domain Name to Complainant or its competitors for valuable consideration in excess of the Registrant's actual costs in registering the domain name, in violation of paragraph 3.5(b) of the Policy; and (2) sought to attract, for commercial gain, Internet users to the Domain Name by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website, contrary to paragraph 3.5(d) of the Policy."*
- 4.20 Registrant has been engaging in extensive cybersquatting and typosquatting within the .ca TLD, whereby it registers domain names ("**Trafficked Domain Names**") that copy famous and well-known trademarks ("**Targeted Trademarks**") either outright or with minor misspelling such as occurs commonly when Internet users inadvertently make an error in typing. Registrant's purpose in assembling trafficked Domain Names is to generate commercial gain through pay-per-click parking pages and by offering the domain names for sale.
- 4.21 CIRA provided Complainant with a list of .ca domain names in the name of the Registrant. That list identifies 64 domain names that demonstrate bad faith activities. Thirteen of those Trafficked Domain Names were registered in 2006 - the same year as the Registration Date. Complainant provided ample evidence in support of these claims.
- 4.22 Here are a few examples of Trafficked Domain Names identified by CIRA, which Complainant cross-referenced with Targeted Trademarks. Most are famous or well known brands and all are currently registered with CIPO:

Trafficked Domain Names		Targeted Trademarks (currently registered in CIPO)		
Domain Names	Reg. Date	Trademark	CIPO Reg. No.	Reg. Date
aerolan.ca	2006-09-21	AEROPLAN	TMA434203	1994-07-18
goodyeartire.ca	2006-01-22	GOODYEAR	TMA203203	1974-11-15
mercedes.ca	2006-01-21	MERCEDES	TMDA15221	1910-11-12
papal.ca	2006-01-22	PAYPAL	TMA610806	2004-05-20
quatum.ca	2006-04-29	QUANTUM	TMA181295	1972-02-11
reitmens.ca	2006-05-07	REITMAN'S	UCA6335	1936-04-20
rickies.ca	2006-05-07	RICKI'S	TMA270962	1982-07-09
samsug.ca	2006-01-24	SAMSUNG	TMA255809	1981-02-13
scholarchoice.ca	2006-01-24	SCHOLAR'S CHOICE	TMA263469	1981-10-16
sleepcounty.ca	2006-01-24	SLEEP COUNTRY CANADA	TMA451876	1995-12-15
americanepress.ca	2005-08-30	AMERICAN EXPRESS	TMA228745	1978-06-30
bluecros.ca	2005-04-25	BLUE CROSS	TMA100000	1954-11-05
lasensa.ca	2005-12-19	LA SENZA	TMA398210	1992-05-15
westjet.ca	2005-10-24	WESTJET	TMA480424	1997-08-14

- 4.23 That list is just a limited sample. The actual number of Trafficked Domain Names is far more extensive, and includes <aautotrader.ca>, <autotrader.ca>, <armiles.ca>, <cerdian.ca>, <cotco.ca>, <epsom.ca>, <hond.ca>, <humer.ca>, <ikes.ca>, <kichenaid.ca>, <mcdonlds.ca>, <pizahut.ca>, <posch.ca>, <shopperdrugsmart.ca>, <shoppersdrugmar.ca>, and <tuperware.ca>.
- 4.24 As of April 14, 2026, some of the Trafficked Domain Names resolved to active websites. Complainant provided evidence of such websites. Some of those websites included pay-per-click landing pages and webpages that prompt users to download browser add-ons. Some of such web pages included the same kinds of functions and links found at Registrant's Website at bensherman.ca, including the message "This domain may be for sale".
- 4.25 *"The Registrant would not repeatedly register domain names corresponding to distinctive and well-known third-party trademarks, and deploy them in connection with pay-per-click advertising, and in some cases, offer them for sale for amounts exceeding out-of-pocket costs, unless it was aware of and intentionally targeting the corresponding trademark owners. Prior panels have held that as few as two (2) domain name registrations can establish a "pattern" of bad faith registrations under the Policy."*

4.26 “... publicly available domain name dispute decisions further support the conclusion that the Registrant’s conduct forms part of a broader pattern of bad faith domain name registration and use. Searches for the name “Terry Davies” identify relevant UDRP and CDRP decisions involving domain names corresponding to third-party trademark rights and resolving to pay-per-click or other diversionary webpages. The similarities in the nature of the domain names, the use of pay-per-click or other diversionary webpages, and, in certain cases, shared registrar and registrant address information, demonstrate a recurring course of bad-faith conduct involving the targeting of third-party trademarks. A summary of these prior decisions is set out in the chart below:

Domain Name	Forum	Outcome
<wal-mart-superstore.com>	WIPO (UDRP)	Transferred
<homedpeot.ca>	CIRA (CDRP)	Transferred

The registrant address identified in homedpeot.ca decision further corresponds with the address shown in the WHOIS records attached to this Complaint. Copies of the relevant UDRP and CDRP decisions are attached hereto as Annex 17.

Registrant

4.27 Registrant has not filed a Response.

Remedy Sought

4.26 Complainant requests that the Domain Name be transferred to it.

5. DISCUSSION AND FINDINGS

Eligibility

5.01 Complainant is an eligible complainant under paragraph 1.4 of the CDRP. Specifically, Complainant is the owner of Complainant’s Primary Registration for the trademark BEN SHERMAN, which is registered under the *Trade-marks Act* (Canada) R.S.C. 1985, c.T-13, and the Disputed Domain Name consists of the exact words BEN SHERMAN.

Complainant’s Onus

5.02 In accordance with Paragraph 4.1 of the Policy, Complainant bears the onus of proving, on a balance of probabilities, that:

(a) the Domain Name is Confusingly Similar to a Mark in which the Complainant had rights prior to the date of registration of the Disputed Domain Name and continues to have such rights; and

(b) the Registrant registered the Domain Name in bad faith as described in paragraph 3.5 of the Policy.

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.

Default Proceeding

- 5.03 Registrant has not responded to the Complaint, or otherwise participated in this proceeding in any other manner. Accordingly, as directed by paragraph 5.8 of the Rules, the Panel will decide this proceeding on the basis of the Complaint.

Analysis

A. First Element – Confusing Similarity

- 5.04 Paragraph 4.1 (a) of the Policy requires the Complainant to prove on a balance of probabilities that the Disputed Domain Name is “Confusingly Similar” to a “Mark” in which Complainant had rights prior to the date of registration.

- 5.05 The Panel finds that Complainant’s Trademarks qualify as “Marks” under either or both of subparagraphs 3.2 (a) and (c) of the Policy and that Complainant had rights in those Marks in Canada before the Registration Date. Complainant’s Primary Registration for BEN SHERMAN is sufficient to qualify under subparagraph 3.2 (c). As for Subparagraph 3.2 (a), Complainant has provided substantial evidence of usage in ordinary commerce in Canada sufficient to have established distinctiveness and goodwill in the words BEN SHERMAN as they appear in the balance of Complainant’s Trademarks identified in the Complaint, in Canada before the Registration Date. Accordingly, Complainant enjoys common law rights in the trademark BEN SHERMAN.

- 5.06 Section 3.1 of the Policy stipulates the meaning of “Confusingly Similar” as follows:

“In determining whether a domain name is ‘Confusingly Similar’ to a Mark, the Panel shall only consider whether the 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.”

- 5.07 Paragraph 1.2 of the Policy expressly excludes “the dot-ca” suffix from the definition of “domain name”. Hence, the Disputed Domain Name <bensherman.ca> is identical to the trademark protected by Complainant’s Primary Registration, namely BEN SHERMAN. The Disputed Domain Name is also identical to the trademark BEN SHERMAN used in ordinary commerce in Canada in association with goods and services that are not included in Complainant’s Primary Registration.

- 5.08 Although BEN SHERMAN is clearly the name of a living or deceased person, or of a fictional character, Complainant has provided substantial evidence sufficient for the Panel to conclude that the name has acquired secondary meaning in Canada. Clearly, CIPO held the same view when it issued Complainant’s Primary Registration and CIPO registration No. TMA714020 for BEN SHERMAN in association a supplemental list of goods and services.

5.09 The Panel finds that the Disputed Domain Name so nearly resembles the trademark BEN SHERMAN in appearance, sound, and idea suggested as to be likely to be mistaken for that trademark, and is therefore confusingly similar to the trademark BEN SHERMAN within the meaning of subparagraph 4.1(a) of the Policy.

5.10 Accordingly, the Panel finds that Complainant has satisfied its burden under subparagraph 4.1 (a) of the Policy.

B. Second Element – Legitimate Interests

5.11 Although its burden is quite minimal, Complainant has nonetheless made out a fairly substantial case establishing that Registrant does not have any legitimate interests in the Disputed Domain Name as described in paragraph 3.4 of the Policy.

5.12 The third element that must be proved in a CDRP proceeding (i.e. bad faith) overlaps in some important ways with the second element being discussed now. Four of the six categories of potentially legitimate uses identified in paragraph 3.4 of the Policy expressly stipulate for “good faith” on the part of registrants. In any event, the plain meaning of “legitimate” is normally inconsistent with bad faith.

5.13 This Decision is following the same order as the Complaint, which requires a deferral of a detailed discussion of bad faith. Nonetheless, the Panel considers it appropriate to make some reference to bad faith at this stage.

5.14 The Panel is of the view that the evidence of Registrant’s blatant bad faith as discussed below establishes significant context for the discussion of legitimate interests.

5.15 Complainant’s evidence reveals that Registrant is engaged in a cynical domain name trafficking scheme that is redolent with bad faith. That scheme comprises a commonly-employed business model for exploiting the rights of others for personal gain. Complainant is not the only victim of this scheme.

5.17 It is not surprising that Registrant has declined to participate in this proceeding. Given Complainant’s compelling evidence of Registrant’s bad faith, the Panel draws a negative inference from Registrant’s failure to participate. Further, as directed by paragraph 5.8 of the Rules, the Panel will decide the case on the basis of the Complaint.

5.18 Accordingly, the Panel accepts Complainant’s factual submissions and evidence regarding bad faith and legitimate interests.

5.19 In reference to subparagraph 3.4 (a) of the Policy, the Disputed Domain Name was not a registered Canadian trademark of Registrant and could not have been registered by it in Canada Registrant because it would have been considered by CIPO to be confusing with Complainant’s Primary Registration. As outlined by Complainant, there is no evidence that Registrant made any *good faith* use of the Disputed Domain Name as a trademark. Rather, the evidence shows that Registrant used the Disputed Domain Name to operate a passive monetized parking page providing pay-per-click advertising and offering to sell the Disputed Domain Name. But such activities were a small part of Registrant’s overall bad faith domain name trafficking enterprise.

- 5.20 There is no factual basis for inferring that Registrant registered the Disputed Domain Name in *good faith* for any of the purposes identified in subparagraph 3.4 (b) of the Policy. To the contrary, there are compelling reasons to conclude that Registrant registered the Disputed Domain Name entirely for bad faith reasons.
- 5.21 With reference to subparagraph 3.4 (c) of the Policy, there is no factual basis for inferring that Registrant registered the Disputed Domain Name in *good faith* in association with any wares, services or business and the domain name was understood in Canada to be the generic name thereof in any language.
- 5.22 With reference to subparagraph 3.4 (d) of the Policy, there is no hint that Registrant might have used the Disputed Domain Name in *good faith* in association with a non-commercial activity including, without limitation, criticism, review or news reporting.
- 5.23 With reference to subparagraphs 3.4 (e) and (f) of the Policy, The Disputed Domain Name was clearly neither a name by which Registrant was commonly identified, nor the geographical name of the location of Registrant's non-commercial activity or place of business.
- 5.24 The Panel finds that Registrant never had any legitimate interests in the Disputed Domain Name under paragraph 3.4 of the Policy, and that Complainant has satisfied its burden under paragraph 4.1 of the Policy.

C. Third Element – Bad Faith

- 5.25 Paragraph 3.5 of the Policy enunciates four specific activities of a registrant that constitute bad faith. However, paragraph 3.5 expressly states that that bad faith registration is not limited to those specific activities. Panels retain the residual discretion to find bad faith conduct that is not specified in paragraph 3.5.
- 5.26 Complainant requested and received from CIRA a complete list of .ca domain names registered in the name of Registrant. The list reveals a consistent pattern of conduct whereby Registrant methodically identifies famous and well known trademarks, i.e. Targetted Trademarks, and registers corresponding .ca domain names, i.e. Trafficked Domain Names.
- 5.27 Registrant constructed most, but not all, of the Trafficked Domain Names as minor misspellings of Targetted Trademarks. That's called "typosquatting" and is a well-recognized form of domain name abuse in CDRP cases, as discussed by the panel in *Equifax Inc. v. Morgan*, 2023 LNCIRA 2 at paragraphs 62 – 65, as follows:

62 "Opportunistic bad faith" may fall within the generalized category of bad faith evident in the preliminary language of paragraph 3.5. The Complainant's argument is that because the Disputed Domain Name is "so obviously connected with" Complainant, Registrant's actions suggest "opportunistic bad faith" in violation of the Policy. This is consistent with the conclusion that misspellings characterized as "typosquatting" constitute prima facie evidence of bad faith registration (Skyscanner Limited v Kerwin Ivan, DCA-2179-CIRA (March 3, 2020) (at para. 51, with reference to "svscanner.ca", "skscanner.ca", "skysanner.ca", "skvscannr.ca", and "svkscanner.ca" domains and the SKYSCANNER Mark).

63 The "obvious connection" between the Disputed Domain Name and the Complainant arises from the similarity between <equifax> and the EQUIFAX Mark as well as the Registrant's imputed or constructive knowledge of the goodwill of the Complainant's EQUIFAX Mark. There is no doubt that the Complainant's

EQUIFAX Mark enjoys a wide reputation and can be considered a well-known trademark. Like the panel in Equifax Inc. v. Balticsea LLC, Balcsea LLC, WIPO Case No. D2022-2497 (Sept. 22, 2022) it is inconceivable to this Panel that the Registrant would have registered the Disputed Domain Name without being aware of the Complainant's well-known EQUIFAX Mark.

64 *In Equifax Inc. and Equifax Canada Co. v. Antonia Ojo/0902066 BC Ltd, CIIDRC 16881-CDRP (April 25, 2022) the panel observed that:*

... there is authority for the proposition that a registrant who engages in typosquatting has not registered the domain name in good faith [Equifax Inc. v. Domain Administrator, Fundacion Privacy Services LTD, WIPO Case No. D2021-3815; Six Continents Hotels, Inc. v. Ramada Inn, WIPO Case No. D2003-0658]. Although these are UDRP decisions, they remain instructive since the UDRP also requires a complainant to establish bad faith registration (in addition to bad faith use, which the CDRP does not require).

65 *This Panel has found that the Registrant engaged in typosquatting and his actions amount to "opportunistic bad faith" in violation of the Policy thus constituting evidence that the Registrant registered the Disputed Domain Name in bad faith.*

- 5.28 Decided CDRP cases typically find additional conduct that enhances and extends the underlying a registrant's opportunistic conduct. Such behaviour may include the use of pay-per-click advertising on parked web pages (sometimes called "monetized parking") and/or offers to sell the offending domain names. In the Equifax case (*supra*), the panel found in relation to monetized parking at paragraph 61:

Equally here, this Panel concludes that the Registrant's use of a PPC or monetized parking page that contains "links" or "affiliate links" for "services" or "goods and services" associated with the Complainant's EQUIFAX Trademark, including links labelled "Equifax Credit Report," "Credit Scores," and "3 in 1 Credit Report" is evidence of bad faith registration pursuant to para. 3.5(d) of the CDRP.

- 5.29 Further, there is ample CDRP authority that parking a confusingly similar domain name at a web page that offers the domain name for sale constitutes bad faith. See, for example, Toronto-Dominion Bank v. Johnston, 2014 LNCIRA 26, at paragraph 15:

"The tdmobilebanking.ca web page prominently offers "Would you like to buy this domain?" and below that in larger letters "ON SALE". It is reasonable to infer that the Registrant contemplates that the parties listed in article 3.5(a) are the most likely purchasers and that any sale price would exceed the domain name registration fee. Domain name registration fees tend to be extremely small - a price of \$2.99 for a .com name is given on the tdmobilebanking.ca web page. It is hard to imagine a transfer price not exceeding the registration fee. The domain name has been registered in bad faith.

- 5.30 All of the cited cases dealt primarily with the abuse of one trademark owned by one third party. This case differs significantly in its scale and impact. To call Registrant's conduct "opportunistic bad faith" is an understatement.
- 5.31 Registrant has established a full-blown domain name trafficking enterprise that targets numerous third party trademarks and businesses through an aggregation of at least 64 individual acts of cybersquatting and typosquatting. This is a serious business. It requires significant thought, effort, and organization. It is palpably obvious that the Targeted Trademarks were carefully selected and the

Trafficked Domain Names were carefully structured, all with the full intention of capitalizing on the Targeted Trademarks in bad faith. That could not happen without knowledge of the Targeted Trademarks and a full appreciation of their value.

- 5.32 The cited cases specifically found that use of a monetized parking site violated specific subsections of paragraph 3.5. That same analysis applies in this case. However, it is magnified severalfold by Registrant combining all the elements on a consistent basis and applying them to a series of targeted brands.
- 5.33 The Panel notes that Registrant's conduct in relation to the Disputed Domain Name is more brazen than the majority of Trafficked Domain Names in its collection. The vast majority of those are misspellings. However, the Disputed Domain Name has no spelling errors. It is Complainant's Trademark.
- 5.34 The Panel finds, under the Panel's residual discretion under paragraph 3.5 of the Policy that Registrant individually targeted Complainant and Complainant's Trademarks as part of a larger domain name trafficking operation, and that by doing so, Registrant acted in bad faith at the time it registered the Disputed Domain Name and in its subsequent activities, such as setting up, monetizing, and operating Registrant's Website.
- 5.35 Complainant also asserts that Registrant's conduct in relation to the Disputed Domain Name constitutes bad faith under subparagraphs 3.5 (b) and 3.5 (c) for the reasons set out in Complainant's submissions set out above. The Panel agrees and finds that Registrant's conduct constitutes bad faith under those subparagraphs.
- 5.36 The Panel finds that Complainant has satisfied its burden under paragraph 4.1 (c) of the Policy.

6. DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the CDRP and Paragraph 12 of Rules, the Panel finds that Complainant has satisfied its burden under paragraph 4.1 of the Policy, and orders that the Disputed Domain Name be transferred to Complainant.

Made as of 17 June 2026

SIGNATURE OF PANEL



