



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE ADMINISTRATIVE PANEL DECISION

CIIDRC case number:	27056-CDRP	Decision date: June 29, 2026
Domain Name:	atosaca.ca	
Panel:	Thomas Manson, KC (Chair), The Honourable Neil Anthony Brown, KC, Leslie Maerov, FCI Arb.	
Complainant:	Yindu Kitchen Equipment Co., Ltd.	
Registrant:	Younas Mohammadpour	

1. OVERVIEW

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

This matter is a proceeding under the Canadian Internet Registry Authority ("CIRA")'s Domain Name Dispute Resolution Policy ("CDRP") and Domain Name Dispute Resolution Rules ("Rules"). The Canadian International Internet Dispute Resolution Centre (the "CIIDRC") is a recognized service provider under the CDRP.

2. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from CIIDRC to the Panel:

On April 22, 2026, Daniel Anthony of Smart & Biggar LLP filed a Complaint on behalf of Yindu Kitchen Equipment Co., Ltd., ("Yindu Kitchen") pursuant to the CDRP and the Rules. The required commencement fee was paid on April 24, 2026. The complaint was in administrative compliance with CIRA's requirements under Rule 3.2.

CIRA was notified of this proceeding and on April 28, 2026, CIRA transmitted by email to CIIDRC its verification response informing that the Registrant of the Domain Name is Younas Mohammadpour (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 2024-09-04.

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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 1, 2026.

The deadline for submitting a Response was set for May 21, 2026. On May 20, 2026, the Respondent requested an extension of the deadline for filing a Response, as the parties were engaged in active negotiations to resolve the dispute.

Pursuant to paragraph 5.4 of the Rules, the Registrant was granted a ten (10)-day extension of the deadline for filing a Response. The original deadline for filing a response was May 21, 2026. The Registrant was granted until June 1, 2026, to file a Response to the Complaint.

On June 1, 2026, the Registrant filed its Response to the Complaint.

On June 8, 2026, counsel for the Complainant filed Reply Submission.

The Complainant deposited the required panel fee on June 8, 2026.

CIIDRC named The Honourable Neil Anthony Brown, KC, and Leslie Maerov, FCI Arb., as panelists. Thomas Manson, KC, was named as Chair of the Panel. Each member of the Panel has submitted a Statement of Acceptance and Declaration of Impartiality and Independence in accordance with Paragraph 7 of the Rules.

The Panel finds that it is properly constituted and has jurisdiction to decide this dispute.

3. FACTS

The Complainant, Yindu Kitchen, is a Chinese company from Zhejiang, China, with an authorized representative in Ottawa, Ontario. It is the parent of Atosa USA, Inc., located in California, and Atosa Canada, Inc.. The Complainant is the owner of certain Canadian trademarks for the mark ATOSA Design.

The Registrant is an individual who carries on business under the name "Babak Food Equipment," and his uncontradicted evidence is that "the Registrant ... has been an authorized dealer of the Complainant's commercial kitchen products for over 15 years, recognized repeatedly for high sales volumes."

Atosa USA, Inc., founded in 2012, is an American manufacturer of high-quality kitchen equipment and has the primary responsibility for marketing ATOSA branded products in the US and Canada.

In September 2016 the Complainant applied to register a trademark for an ATOSA design.

Atosa Canada, Inc., founded in 2019, assists in marketing and distributing ATOSA branded products in Canada.

In July 2021 the Complainant applied to register another trademark for an ATOSA design.

The Complainant the owner of the following trademark rights¹ (referred to the "ATOSA Marks") :

1. ATOSA Design (2023) – TMA1196737– registered in association with the following goods:
 - a. Class 11: Commercial cooking ovens; kitchen sinks; kitchen stoves; ice making machines; refrigerating or freezing Showcases; Refrigerators; electric food warmers; beverage cooling and ice dispensing machines; electric cooktops; exhaust hoods for kitchens.
2. ATOSA Design (2018) – TMA991855 – registered in association with the following goods:
 - a. Class 7: Food mixers; electric meat grinders; electric food processors; electrical coffee grinders; electric food slicers; butter machines; kneading machines; flour mill machines; grating machines for vegetables; dishwashers.
 - b. Class 21: Cooking utensils; stock pots; table plates; coffee services; dinner plates; drinking cups; table glassware; cooking pots; food storage containers; thermal insulated containers for food or beverages.

The Complainant also has common law rights in Canada in the mark ATOSA through use of that mark on its products and in its marketing over the course of many years. The ATOSA Marks are licensed for use in Canada to both Atosa USA, Inc. and Atosa Canada, Inc. These three related companies discussed above will be referred to collectively as the "Complainant" for ease of reference.

¹ Annex B is a print-out of the particulars of the trademark registrations (TMA1196737; TMA991855) for ATOSA & Design from the Canadian Intellectual Property Office (CIPO) Trademark Database.

The Complainant operates a website hosted at the domain name AtosaUSA.com to market its commercial kitchen products bearing the ATOSA Marks to Canada (and the US). The Complainant also owns the domain name AtosaCA.com, which re-directs customer traffic to its main website at <https://atosausa.com/>.

The Complainant established domains in various countries and employed a particular domain name format, being the ATOSA trademark + country abbreviation, as follows:

Domain	Country	Registration
<AtosaUSA.com>	United States	2013
<AtosaUK.com>	United Kingdom	2016
<AtosaFR.fr>	France	2016
<AtosaCA.com>	Canada	2018

The Domain Name was registered on <2024-09-04>.

The Registrant has not made any commercial use of the Domain Name. The website there is "inactive" and is in fact just a "placeholder". It hosts an unfinished template from an e-commerce provider, Woodmart (Annex H). The template contains no accurate and/or active phone numbers, product listings or company information (and an attempt to buy a product from the template produces a message that the site is not active).

Although the website (shown as Annex H) for <atosaca.ca> is "inactive" and displays irrelevant information and images (including for Apple and Acer products), the meta-data as of March 11, 2026 displays "atosa canada".

After the commencement of this proceeding, the Registrant contacted the Complainant's counsel starting May 4, 2026, explained their identity, and engaged in procedural communications that resulted in a mutually agreed extension of the response deadline. Furthermore, the Registrant engaged directly with the Complainant's Canadian management team to resolve the issue amicably. Unfortunately, none of these communications were provided to the Panel.

4. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant submits that the Domain Name incorporates the Complainant's trademark ATOSA verbatim, and also matches the Complainant's own domain format of mark + country code, such as in atosausa.com and atosaca.com. The Registrant merely adds the geographic descriptor "ca" and the ".ca" country code top-level domain (ccTLD), both of which are non-distinctive and insufficient to dispel confusion. It says that the Domain Name <atosaca.ca> is confusingly similar to the Complainant's registered trademark ATOSA, in which it had rights prior to the registration of the Domain Name.

Next, the Registrant does not own a mark that corresponds with the domain name, is not using any mark in good faith, and does not have any rights in the ATOSA mark. Moreover, the Complainant says that the Registrant does not meet any of the enumerated circumstances set out in paragraph 3.4 of the Policy to establish a legitimate interest in the Domain Name.

Last, the Complainant relies on evidence of "bad faith registration" under paragraph 3.5. It says that this is a textbook case of a pattern of registering domain names to prevent their registration and use by the rightsholder (para. 3.5(b)). It then says that the Registrant is a "competitor" of the Complainant – for internet traffic seeking ATOSA in Canada. The Complainant points to the Registrant's "portfolio" of kitchen equipment brands and argues Registrant's actions clearly disrupt the Complainant's business by sending consumers to an incorrect and inactive e-commerce website. The fact that the Registrant's entire portfolio of commercial kitchen equipment brands suggests that it is itself one such brand (or a distributor) that is trying to disrupt competitors from obtaining apt .ca domains. Taken as a whole, the Registrant's use of a confusingly similar domain name, false business information, and a template-based website demonstrates that the Domain Name was registered and is being used in bad faith to mislead Internet users and to trade on the goodwill of the Complainant's ATOSA trademark (3.5c)). Finally, the Complainant says: "It is believed that the Disputed Domain Name is being used for fraud or phishing attacks, given it can send emails in the form of xxx@AtosaCA.ca (e.g. sales@atosaca.ca or jobs@atosaca.ca). Such attacks can seek to mislead the Complainant's consumers and business owners into clicking links or downloading files, and/or can also be used to send fake invoices to customers that appear to be authentic (due to the near identical e-mail form), but have incorrect banking information or payment links."

The confusingly similar domain name was registered for a bad faith purpose, whether that is to disrupt the Complainant's business, to steal traffic or to impersonate the Complainant and perpetrate a phishing scheme. And, the Complainant argues:

"Registrant registered a domain name that consists of the Complainant's ATOSA trademark verbatim without any authorization by the Complainant. Complainant believes that Registrant may have used the Disputed Domain Name to fraudulently impersonate the Complainant and confuse Internet users into believing they were dealing with the Complainant to attain their personal information through fraudulent email messages."

Thus, Complainant says the foregoing demonstrates that the Registrant has registered and used the Disputed Domain Name in bad faith under subparagraph 3.5(d) of the Policy.

- **Registrant's Response**

The Registrant submits that this dispute arises not from bad-faith domain squatting, but from a severe communication breakdown within the Complainant's corporate structure and external counsel. The Registrant responds herein to protect its rights while internal commercial communications continue.

With respect to "legitimate interest", the Registrant says the registration was part of a bona fide business development strategy by an authorized partner (of the Complainant), satisfying the requirement of legitimate interest. In this respect, the Registrant relies on the principles regarding legitimate interest discussed in *Oki Data Americas Inc v ASD, Inc.* WIPO Case No D2001-0903 <okidataparts.com> (Nov. 6, 2001).

With respect to "bad faith", the Registrant says the Complainant's allegations of "bad faith," "phishing," and "fake storefronts" are speculative, baseless, and mischaracterize standard web development procedures. The Registrant denies any use to deceive any consumer and denies phishing or fraudulent use.

- **Complainant's Reply**

The Complainant provides additional submissions on "new issues" to substantiate its arguments on legitimate interest and bad faith. Among other things, the Complainant submits that it did not

grant permission to the Registrant, and was not aware of, the registration <atosaca.ca>. Further, the Complainant says that the Registrant has not met “the *Oki Data* test” as it does not exclusively sell Atosa products, did not obtain permission, and does not prominently disclose its relationship to the Complainant on the hosted website.

- **Remedy Sought**

The Complainant requests that the Domain Name registration for <atosaca.ca> be transferred to the Complainant.

5. DISCUSSION AND FINDINGS

5.1 Eligibility

In order to initiate the Complaint, paragraph 1.4 of the CDRP requires that the Complainant at the time of the initiation of the Complaint must satisfy the Canadian Presence Requirements for Registrants (the “CPR”), unless the Complaint relates to a trademark registered in the Canadian Intellectual Property Office (“CIPO”) and the Complainant is the owner of the trademark. The Complainant satisfies the CPR requirement by owning Canadian trademark registrations for the ATOSA Marks, both of which are registered in the CIPO under Canadian Trademark Registration Nos. TMA1196737 and TMA991855.

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

5.2 Procedural Issue

The Panel addresses the issue of whether to accept the unsolicited Reply filed by the Complainant following the Registrant’s Response. After the Response was submitted, the Complainant filed a Reply on June 8, 2026. Rule 11.1 provides, in part, that “neither Party shall have the right to submit additional evidence or argument”.

While unsolicited supplemental filings are generally discouraged, Panels have consistently held that such filings may be admitted where the submitting party clearly demonstrates their relevance to the issues in dispute and provides a reasonable justification for not including the information in its initial pleadings; *Jackpine Dynamic Branding v Kassam* CIIDRC-24696-CDRP (April 4, 2025). Admission of the Reply is warranted here insofar as it provides the Complainant with an opportunity to respond to the new evidence of the identity of the Registrant and its explanation of the circumstances of the registration of the Domain Name.

5.3 Requirements

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.

5.4 Analysis

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

In this case, the relevant part of the Domain Name is “atosaca”. The Domain Name incorporates the Complainant’s mark “ATOSA” and merely adds the letters “ca” before the suffix “.ca”. These letters are a well-known geographic reference in this country to Canada.

In a recent case, *ISED – Corporations Canada v Yussif* CIIDRC-26854-CDRP (April 24, 2026) <getcanadanuans.ca>, the Panel observed (at page 4):

The addition of such descriptive or geographic terms does not prevent a finding of confusing similarity where the Mark remains recognizable within the Domain Name. The role of such additional wording may, however, be more appropriately considered, if at all, in the assessment of the remaining elements of the Policy

This reasoning applies here.

Applying the test set out in paragraph 3.3 of the Policy, the Panel considers whether the Domain Name so nearly resembles the ATOSA Marks in appearance, sound or the ideas suggested by the ATOSA Marks as to be likely to be mistaken for them.

In this case, the relevant part of the Domain Name is "atosaca". The difference between the Domain Name and ATOSA Marks is the "ca" suffix. The "ca" suffix is a common reference and does little to distinguish the overall appearance of the Domain Name from the ATOSA Marks. That is, the ATOSA Marks remain clearly recognizable within the Domain Name and despite the additional descriptive "ca" reference included in the Domain Name, 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 within the meaning of the Policy.

In *Workplace Safety and Insurance Board v Dickson* CIIDRC 18847-CDRP <wsib-on.ca> (January 25, 2023), the Panel observed (at paras 4.3.1.5-6):

The addition of the term "on" does not distinguish the Domain Name from the WSIB Marks. To the contrary, the addition of the term "on" enhances the likelihood of confusion given that WSIB itself uses the similarly structured domain name www.wsib.on.ca to indicate its connection to the Province of Ontario.

In similar circumstances, prior CDRP panels have recognized that the addition of similar abbreviations for the names of Provinces of Canada, such as "qc" for "Quebec", do not serve to dispel confusing similarity. (*Google Inc. v David Perron*, Case No. DCA-1360-CIRA at para 18.) The same reasoning applies here with the "ca" abbreviation in the Domain Name.

Overview of "Confusing Similarity"

This Panel finds that the Domain Name is confusingly similar to the Complainant's ATOSA Mark as it resembles the Mark as to be mistaken for that Mark in which the Complainant had and continues to have Rights; the Complainant has satisfied paragraph 4.1(a) of CDRP.

5.4.2 Whether the Registrant registered the Domain Name in Bad Faith

To succeed in this proceeding, paragraph 4.1(b) of the CDRP requires the Complainant to demonstrate, on a balance of probabilities, that the Registrant registered the Domain Name in bad faith as described in paragraph 3.5. The CDRP provides a "non-exhaustive" list of circumstances which constitute bad faith. In making a finding of bad faith, reasonable inferences may be drawn from the available evidence; *Workplace Safety and Insurance Board v Dickson*, 18847-CDRP <wsib-on.ca> (Jan. 25, 2023), at paragraph 4.3.3.3.

The focus of the Complainant here appears to be on paragraphs 3.5(b), (c) and (d) of the CDRP (although introductory text at page 10 refers to only paragraphs 3.5(c) and (d) and the later discussion of bad faith law in the Complaint focuses on paragraphs 3.5(c) and (d)). In any event, these provide as follows:

3.5 Registration in Bad Faith.

For the purposes of paragraphs 3.1(c) and 4.1(b), 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:

(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.

Distributor, Dealer, and Business Partner

The Registrant asserts that it has been an "authorized dealer of the Complainant's commercial kitchen products for over 15 years, recognized repeatedly for high sales volumes", a "15-year distributor of Atosa products", and "15-year business partner". Yet the duration and nature of the relationship was not entirely clear, even from the Registrant's evidence. The Registrant's documentary evidence explained that it currently deals with "Atosa Canada", but previously "purchased Atosa equipment through, and performed authorized warranty services for, Atosa's previous regional representative (Western Refrigeration), demonstrating a continuous business relationship with the brand dating back to at least 2019" (NB rather than 2016, 15 years ago). The

generality of the Registrant's evidence seems to conflict with its documentary evidence and left much to be desired. Evidence of what being an "authorized dealer" is or what the "distributorship" entailed was lacking. The Registrant's evidence was generally vague and without detail.

Paragraph 3.5(b)

With respect to 3.5(b), CIRA provided a list (Annex Q) of 14 ".ca" domain names registered by the Registrant between 2020 to 2025. With one exception (the Registrant's babakfoodequipment), the domains are said to correspond to well-known manufacturers of commercial kitchen equipment. The Complainant argues that this is "a textbook case of a pattern of registering domain names to prevent their registration and use by the rightsholder". At least 10 of the 14 domains are simply the ".ca" equivalents of established ".com" websites for various commercial kitchen equipment companies. The Complainant says this is no different from a small shoe company registering all the big name brands as .ca domains (e.g. reebok.ca, adidas.ca, nike.ca, skechers.ca, etc.).

The Registrant explains the registration of the Domain Name saying "the Registrant's intent for the Disputed Domain Name was to build a dedicated, authorized directory and sales portal for Atosa products in Canada. Prior to initiating this project, the Registrant held in-person discussions with the Canadian management of Atosa, who verbally acknowledged and were aware of the Registrant's business intentions." However, the Complainant replied "Even if true, sharing an intention to build a directory does not equate to authorization to incorporate the registered trademark ATOSA in the domain name used to host that directory". Further, in explaining the other ".ca" domain names registered by the Registrant (from 2023 to 2025, listed in Annex Q), the Registrant asserted that it was "a leading dealer of multiple commercial kitchen equipment brands" and that the acquisition of industry-relevant domains is a preparatory step for developing a centralized, authorized marketplace and dispatcher network for commercial equipment in Canada.

The Registrant asserts that registration was a "preparatory step", part of a "legitimate commercial project" or bona fide business development strategy by an authorized partner, satisfying the requirement of legitimate interest. With respect to the Registrant's .ca portfolio and this "strategy", the Complainant points out that (apart from its <babakfoodequipment.ca> domain) the portfolio consists entirely of domains that correspond exactly to the primary websites of various leading

kitchen equipment companies (with the .com is changed to .ca). However, the Complainant acknowledges that “None are used for any website.”

This is a dubious business development strategy and it is odd that the so-called strategy (which involved registrations from as early as 2023, see Annex Q) would not have moved beyond the “inactive” stage.

Nevertheless, the pivotal issue under paragraph 3.5(b) in this case is whether there is a “pattern”. Ordinarily, a “pattern” would be established by findings (in earlier proceedings) that domains were registered in bad faith by a registrant with no legitimate interest. (see *Surfshark Holding BV v Bajic* DCA-18783-CIRA <surfshark.ca> (Dec 15, 2022), at para 43, and *London Hydro v Antonia Ojo* CIIDRC-26987-CDRP <londonhydro.ca> (2026-06-14)); no similar evidence is found in a mere list of “.ca” domains owned by the Registrant with no evidence concerning whether the other domain names are unauthorized or registered without any legitimate interest.² The Registrant has not established a “pattern” here – more than registration of multiple domains is required. In the absence of a “pattern”, this Panel cannot find bad faith under paragraph 3.5(b).

Paragraph 3.5(c)

With respect to 3.5(c), the Complainant says the Registrant are “competitors for internet traffic seeking ATOSA in Canada”. Further, the Complainant asserts that taken as a whole, the Registrant’s use of a confusingly similar domain name, false business information, and a template-based website demonstrates that the Domain Name was registered and is being used in bad faith to mislead Internet users and to trade on the goodwill of the Complainant’s ATOSA mark.

This Panel has found that the Domain Name registered in 2024 is confusingly similar, indeed it is identical (but for the top-level “.com” domain) with the Complainant’s <atosaca.com>, registered in 2018. Even if the Registrant as a dealer or distributor may not be a “competitor” of the Complainant in a conventional sense, it is certainly a “competitor for internet traffic” here.

² This Panel recognizes that this approach may differ from that taken by the panel in *Hostinger UAB v Privacy Guardian* CIIDRC 26880-CDRP <hostinger.ca> (May 9, 2026); there (at page 5) the panel found that many of the 1000s of domain names owned by the registrant were confusingly similar to other businesses’ well-known brands so as to confirm bad faith registration. A different approach is warranted here since there is no evidence that any other persons who have rights in marks have been prevented from registering their marks as domain names.

The Registrant explains that it had intended to build an authorized directory for Atosa products, and states that it mentioned this to Complainant's Canadian management. No particulars of this assertion were provided; but, even if true, (as the Complainant maintains) sharing (at some unidentified time) an intention to build a directory does not equate to authorization to incorporate the registered trademark ATOSA in the domain name used to host that directory. For clarity, the Complainant asserts that it did not grant permission to the Registrant, and was not aware of the <atosaca.ca> registration. This Panel accepts the Complainant's evidence on this issue. Prior knowledge or even verbal acknowledgement of the Registrant's alleged business strategy cannot amount to consent or waiver of the Complainant's rights to its ATOSA mark.

In terms of disrupting the Complainant's business, the Complainant asserts that the Domain Name is likely to cause confusion and prejudice its other dealers (who could not also secure an exact match). By preempting Atosa Canada in the ".ca" domain, the Registrant both attracts ATOSA internet traffic and is likely to prejudice other Complainant dealers in Canada. Overall, this Panel finds bad faith under paragraph 3.5(c).

Paragraph 3.5(d)

With respect to 3.5(d), the Complainant says that the confusingly similar domain name was registered for a bad faith purpose, whether that is to disrupt the Complainant's business, to steal traffic or to impersonate the Complainant and perpetrate a phishing scheme.

The Complaint asserted that the Domain Name "is being used for fraud or phishing attacks" but there is no evidence to support that serious allegation. Likewise, the Complaint further asserted that the Registrant may have used the Domain Name to "fraudulently impersonate the Complainant and confuse Internet users into believing they were dealing with the Complainant to attain their personal information through fraudulent email messages." Again, there is no evidence of fraudulent impersonation.

In the present case, the evidence supports an inference of targeting customers of the owner of the ATOSA mark or implied affiliation. The Registrant did not use the Domain Name in the manner apparently proposed - either to build a dedicated, authorized directory and sales portal for Atosa products in Canada, or more generally, to develop a centralized, authorized marketplace and dispatcher network for commercial equipment in Canada for multiple commercial kitchen equipment brands.

As the panel found in *Hostinger, UAB v Privacy Guardian CIIDRC-26880-CDRP* <hostinger.ca> (May 9, 2026), at page 5, “any potential use of the disputed domain name by the Registrant would create a likelihood of confusion resulting in commercial gain, confirming the Registrant’s bad faith registration”. This Panel draws the same conclusion.

Brand-specific Domains

The Registrant asserts that “In the commercial kitchen equipment industry, it is a recognized and standard practice for authorized dealers to register brand-specific domains to facilitate regional sales.” The Complainant says that it has no knowledge of such a practice. Certainly, it is improbable that an “authorized dealer” would be doing so without some licence or other clear authorization to use a trademark. Moreover, if the Registrant’s actions were truly to facilitate regional sales in Canada, it ought to have made some use of the Domain Name. At best, the only step taken by the Registrant was to include the “atosaca canada” metadata in a template page so as to attract internet users and divert internet traffic, rather than promote ATOSA sales.

Overview of “Bad Faith Registration”

On the evidence, the Panel finds that the Complainant established bad faith to the standard required, either generally or under paragraphs 3.5(c) and (d). Accordingly, the Complainant has satisfied paragraph 4.1(b) of the Policy.

5.4.3 Whether there is Some Evidence that the Registrant has No Legitimate Interest in the Domain Name

To succeed in this proceeding, paragraph 4.1(c) of the CDRP requires the Complainant to provide “some evidence” that the Registrant has no legitimate interest in the Domain Name as described in paragraph 3.4 of the Policy. CDRP paragraph 3.4 sets out a non-exhaustive list of six “legitimate interests”; see *Equifax Inc. and Equifax Canada Co. v Antonia Ojo/0902066 BC Ltd.* 16881-CDRP (April 25, 2022), at para 48. The Complainant says that the Registrant does not meet any of the enumerated circumstances set out in paragraph 3.4 of the Policy to establish a legitimate interest in the Domain Name.

Addressing Examples of “Legitimate Interest” under Paragraph 3.4

Paragraph 3.4(a) requires good faith use of a mark by a registrant with rights in the mark. On the evidence, the Registrant had no rights to the Complainant’s ATOSA Mark so this provision is inapplicable. Notice to the Complainant of an intended use (as was vaguely alleged by the

Registrant) does not confer rights in a trademark; whatever rights the Registrant had under its distributorship with the Complainant, the Complainant did not give permission for the Registrant to use the ATOSA Marks

Paragraph 3.4(b) requires registration in good faith in association with any wares, services, or business and a clearly descriptive domain name. However, the evidence makes it clear that the Domain Name is not clearly descriptive of any wares, services, or business so as to fall within this provision.

Paragraph 3.4(c) also requires good faith registration of a domain name. However, it is clear that the Domain Name is not the generic name for any wares, services, or business. It specifically targets the ATOSA mark for Canada.

With respect to paragraph 3.4(d), there is no evidence that the Registrant was using the Domain Name in good faith for a legitimate non-commercial activity. Indeed, the website <atosaca.ca> is a commercial page, albeit an inactive one.

With respect to paragraph 3.4(e), the Registrant is identified as "Younas Mohammadpour". Clearly, the Domain Name does not comprise the name of the Registrant, nor a name, surname or other reference by which the Registrant is commonly identified. Therefore, the provisions of paragraph 3.4(e) do not apply.

Last, the Domain Name is not the geographical name of a location of any non-commercial activity or place of business. The "ca" portion of the dominant element of the Domain Name is geographical or suggests a geographical reference. But this is negated by the other portion, namely "atosa", which is after all, the Complainant's Mark. And, again, the Domain Name is not the geographical name of the location of the Registrant's non-commercial activities or place of business. Therefore, the provisions of paragraph 3.4(f) do not apply.

Oki Data

While none of the legitimate interests illustrated in paragraph 3.4 apply, the Registrant says the registration was part of a bona fide business development strategy by an authorized partner, satisfying the requirement of legitimate interest. In this respect, the Registrant relies on principles regarding legitimate interest discussed in *Oki Data Americas Inc v ASD, Inc.* WIPO Case No

D2001-0903 <okidataparts.com> (Nov. 6, 2001). There, a UDRP panel assessed whether an authorized distributor could use a trademark in its domain name. The panel explained “to be *bona fide*, an offering must meet several requirements, including, at a minimum:

- Respondent must actually be offering the goods or services at issue ...
- Respondent must use the site to sell only the trademarked goods, otherwise it could be using the trademark to bait Internet users and then switch them to other goods ...
- The site must accurately disclose the registrant’s relationship with the trademark owner ...
- The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In reply, the Complainant says that the Registrant has not met that *Oki Data* test as it does not exclusively sell Atosa products, did not obtain permission, and does not prominently disclose its relationship to the Complainant on the hosted website. The Panel agrees with this critique.

“Commercial Interest” vs “Legitimate Interest”

There may be a *commercial interest* for the Registrant to use the ATOSA Mark to promote its own business as a dealer of multiple commercial kitchen equipment brands. Nevertheless, this does not create a “*legitimate interest*” in the circumstances of this case, focused on the Complainant’s brand and its ATOSA Mark.

Overview on “Legitimate Interest”

This Panel finds that the Complainant has provided “some evidence” that the Registrant has no legitimate interest in the Domain Name, which evidence the Registrant has not refuted. Accordingly, the Complainant has satisfied paragraph 4.1(c) of the Policy.

7. DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the CDRP, Paragraph 12 of the Resolution Rules, this Panel orders that registration of the Domain Name, <atosaca.ca>, be transferred to the Complainant.

Made as of this 29th day of June, 2026

SIGNATURE OF PANEL



Thomas Manson, K.C. (Chair)



The Honourable Neil Anthony Brown, KC,



Leslie Maerov, FCI Arb.