



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	27257-CDRP	Decision date: August 3rd, 2026
Domain Name:	<thermage.ca>	
Panel:	Thomas Manson, KC	
Complainant:	Solta Medical, Inc.	
Registrant:	Mdspa Team (MD Spa and Laser Clinic)	

1. OVERVIEW

This matter concerns a registered domain, **<thermage.ca>** (the “Domain Name”).

This matter is a proceeding under the Domain Name Dispute Resolution Policy (the “Policy”) and the Domain Name Dispute Resolution Rules (the “Rules”) of the Canadian Internet Registry Authority (“CIRA”).

The Canadian International Internet Dispute Resolution Centre (“CIIDRC”) is a recognized service provider to the Policy.

The Complainant is Solta Medical, Inc (“Solta”) of Bothell, Washington, USA.

The Registrant is “Mdspa Team” with the organization “MDSpa and laser clinic” of Beaumont, Alberta, Canada; it is identified as “MD Spa and Laser Clinic (registered as Mdspa Team)” in the Complaint.

2. PROCEDURAL HISTORY

The procedural history of this matter is as follows:

On June 9, 2026, the Complainant filed a Complaint on behalf of Solta, pursuant to the Policy and Rules. The required commencement fee was received on June 12, 2026. Upon review, the Complaint was in administrative compliance with CIRA's requirements under Rule 3.2.

On June 12, 2026, CIRA was notified of the commencement of this proceeding. CIRA transmitted by email to CIIDRC its verification response, which, with respect to the identity of the registrant, provided, among other things:

Name: Mdspace Team
 Organization: MDSpace and laser clinic
 Email: canadianmedicalspsa@gmail.com
 Country: Canada
 City: Beaumont
 Province/State: Alberta
 CPR category: Corporation
 Agreed by Registrant: 2025-12-05 ...
 Registration Date: 2011-05-30 ...

CIRA further confirmed that the Domain Name had been placed on Registrar LOCK status.

Pursuant to Rule 4.4 of the Rules, CIIDRC formally notified the Registrant of this administrative proceeding on June 19, 2026, and transmitted to the Registrant a Notice of Complaint together with a copy of the Complaint.

In accordance with the Rules, the deadline for the submission of a Response was July 9, 2026. By an email dated July 10, 2026, CIIDRC advised the parties that as CIIDRC had not received a Response to the Transmittal Letter by July 9, 2026 as required by Rule 5.1, that pursuant to Rule 6.5, the Complainant had the right to elect that the panel in this matter be converted from a three-member panel to a single-member panel. In a responding email dated July 10, 2026, the Complainant advised CIIDRC that it wished to exercise this right and to have a single-member panel appointed.

The Complainant elected to have the dispute determined by a single-member Panel.

The Complainant deposited the required Panel fee on July 16, 2026.

On July 16, 2026 CIIDRC appointed the undersigned as the single-member Panel in this matter. The undersigned then duly completed the statement of impartiality and independence required under paragraph 7 of the Rules.

The undersigned determines that he has been properly appointed and constituted as the single-member Panel to determine the Complaint in accordance with the Rules.

3. FACTS

The Complainant, Solta, is a leading provider of beauty treatments and medical devices for beauty and cosmetic treatments, including contracting skin, body sculpting, and soft tissue reconstruction. Solta is part of the Bausch Health Group of Companies.

Solta operates the website hosted at the domain <thermage.com>, which features Solta's business and services promoted and advertised in association with the THERMAGE Marks, namely the offering of beauty treatments and medical devices for beauty and cosmetic treatments. Printouts from the website located at the domain <thermage.com> (Annex 4). This domain was registered on December 11, 1997, well before registration of the Domain Name.

The Complainant asserts that the Registrant has been a customer since 2009, and has purchased THERMAGE equipment and supplies from the Complainant. In another place, the Complainant asserts that the Registrant has been a customer of the Complainant since at least as early as 2016. This Panel accepts that the Registrant has been a customer of the Complainant, but given the inconsistency in the Complaint and lack of clarity as to the identity of the Registrant, the Panel cannot conclude that the Registrant has been a customer since either 2009 or 2016.

CIRA advised CIIDRC that the Domain Name was registered on May 30, 2011. However, Annex 9 shows that an "Approval date" for <thermage.ca> of "2003/12/17" and there was a "Renewal date of "2009/12/17". Later renewal dates appear until a WHOIS Record on Feb 27, 2011 shows "Domain status: redemption". The next WHOIS Record on April 22, 2011, shows the "Domain Status" for <thermage.ca> "available" with no apparent registrant. A new "creation date", "2011/05/30", appears next on a WHOIS Record on June 23, 2011; the "Domain status" for the Domain Name is given as "registered" with no indication of the Registrant or their organization. The current registrant "Mdspa Team" does not appear until 2025.

From at least June 25, 2013 to at least May 7, 2019, the website associated with the Domain Name redirected internet traffic to <thermageedmonton.com>, which hosted a website under the trademark and trade name ThermageEdmonton. It appears from Annex 11 that this website used the phone number "780-929-9797".

From at least August 1, 2025 onwards, the website associated with the Domain Name redirected internet traffic to the Registrant's business website at <mdspa.ca>. It appears from Annex 12 that this website also used the phone number "780-929-9797" for Contact Details.

The Domain Tools report (Annex 9) shows the registration history of the Domain Name, in part, as follows:

Whois Date	Registrant Name	Registrant Organization	Registrant Street/City	Phone and Email:
May 7, 2024	REDACTED FOR PRIVACY	REDACTED FOR PRIVACY	REDACTED FOR PRIVACY	REDACTED FOR PRIVACY
Apr 11, 2025	MD Spa Laser Clinic	MD Spa Laser Clinic	5001 30 Ave., Edmonton	+1.7807027545 beaumont@mdspa.ca
May 5, 2025	MD Spa Laser Clinic	MD Spa Laser Clinic	5001 30 Ave., Edmonton	+1.7807027545 beaumont@mdspa.ca
Aug 16, 2025	Prophaze Consulting	Prophaze Consulting	5093 Edgemont Blvd., Edmonton	+1.7809024465 jshea.iphone@gmail.com
Sep 25, 2025	Prophaze Consulting	Prophaze Consulting	5093 Edgemont Blvd, Edmonton	+1.7809024465 jshea.iphone@gmail.com
Dec 9, 2025	Mdspa Team	MDSpa and laser clinic	Avenue 500130, Beaumont	+1.7809299797 canadianmedicalspa@gmail.com
Feb 19, 2026	Mdspa Team	MDSpa and laser clinic	Avenue 500130, Beaumont	+1.7809299797 canadianmedicalspa@gmail.com
Feb., 23, 2026	Mdspa Team	MDSpa and laser clinic	Avenue 500130, Beaumont	+1.7809299797 canadianmedicalspa@gmail.com

The CIRA response to CIIDRC dated June 15, 2026 also shows:

June 15, 2026	Mdspa Team	MDSpa and laser clinic	Avenue 500130, Beaumont	+1.7809299797 canadianmedicalspa@gmail.com
---------------	------------	------------------------	-------------------------	---

There is a clear connection between the Registrant's registered telephone number (Annex 9) and the telephone number given on the Registrant's business website (Annex 12) from December 2025 to the present. Earlier registrations in 2025 referring to "MD Spa Laser Clinic" included a different phone number and different email. Further, in the August 16 – December 8, 2025 period, the Registrant was "Prophaze Consulting" whose registration also included a different phone number and different email.

Returning to the evidence of customer relationship, given the Panel's conclusion as to the identity of *the Registrant*, this Panel finds that the Registrant has been a customer of the Complainant since at least December 2025.

The Registrant's business website at <mdspa.ca> offers services that compete with the registered services of the Complainant. The website targets Canadian consumers. Through an automatic browser redirect, visitors to the Domain Name were sent to the Registrant's business website, <mdspa.ca>. Printouts from the current website (Annex 12) show competing services offered by the Registrant and state, in part:

"MD Spa & Laser Clinic is a medical aesthetics clinic providing cosmetic and skin treatments focused on real, visible results. ...

MD Spa & Laser Clinic opened in Edmonton in 2001 and later expanded to Beaumont in 2006, where the clinic relocated in 2008 to offer a more private, boutique setting...."

The webpage there (again Annex 12) lists "thermage" as one of its "Medical & Aesthetic Partners" and on another webpage refers to "Thermage Skin Tightening" as one of the four procedures offered at the facility.

Although the passage above from <mdspa.com> might support a finding of control before 2011 or 2013, this Panel cannot accept that the Domain Name was registered or acquired by the Registrant this early since the Complaint refers to various dates (including 2013 and 2016) when the "Registrant" was a customer of the Complainant. Equally, the Panel cannot accept that the Registrant has been (as stated in paragraph 20 of the Complaint) "in control of the Disputed Domain Name from at least June 2013 onwards" based on use of the Domain Name by ThermageEdmonton and the Registrant's similar phone number of Thermage Edmonton and MDSPA (as asserted in paragraph 20). As shown in the table above, this phone number was not used for the registration of the Domain Name until December 2025.

On the evidence, this Panel finds (especially in light of Annexes 9 and 12) that the Registrant acquired the Domain Name by December 9, 2025 (listed in the table above).

4. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complaint is based on the Complainant's common law and registered rights in the THERMAGE Trademarks under the Trademarks Act, as particularized at Annex 1, and which have been continuously used since as early as 2002 in association with beauty treatments and medical devices for contracting skin, body sculpting and soft tissue reconstruction and related goods, and dermatological treatment and non invasive cosmetic medical services, and related goods and services.

With respect to paragraph 4.1(a) and paragraph 3.3, the Complainant submits (a) it has rights in the THERMAGE Marks, (b) its rights predate the registration date of the Domain Name, and (c) the Domain Name is confusingly similar to the Complainant's marks, including the registered THERMAGE Marks.

With respect to paragraph 4.1(b) and paragraph 3.5, the Complaint asserts that bad faith is apparent under at least paragraphs 3.5(c) and 3.5(d) of the Policy. As to paragraph 3.5(c), the Complainant submits that the Registrant registered or acquired the Disputed Domain Name primarily for the purpose of disrupting the Complainant's business. As to paragraph 3.5(d), all uses to which the Registrant has put the Domain Name show an intentional attempt to attract, for commercial gain, internet users to the Registrant's website or other online location by creating a likelihood of confusion with the Complainant's THERMAGE Marks.

With respect to paragraph 4.1(c), paragraph 3.4 lists circumstances demonstrating a registrant's rights or legitimate interests in a domain name. The Complainant submits that none apply here. The Complainant further submits that the Registrant has used the Domain Name to redirect to a website that offers the same services as those offered by Complainant in connection with the relevant trademarks, which is a textbook example of use of the Disputed Domain Name in bad faith. The Complainant submits that use of the Domain Name for that purpose cannot be "legitimate"

- **Registrant**

The Registrant filed no response to the Complaint, and did not participate in this proceeding.

- **Remedy Sought**

The Complainant requests that the registration for the Domain Name be transferred from the Registrant to the Complainant.

5. DISCUSSION AND FINDINGS

5.1 Eligibility

The Complainant is an eligible complainant under paragraph 1.4 of the Policy, as this Complaint relates to the Complainant's registered Canadian trademark rights (CPR paragraph 2q). The Complainant owns trademark registrations in Canada for THERMAGE, registered as follows:

Mark	Class	Filing Date/ Number	Registration Date/ Number
Thermage	10 Goods	1184360	2005-04-18 TMA637593

Thermage	44 Services	2022-10-31 2219109	2025-08-15 TMA1339710
----------	-------------	-----------------------	--------------------------

The earliest of these registrations dates back to April 18, 2005 (with applications filed in July 2003). Particulars for the Complainant's Canadian THERMAGE trademark registrations, namely registrations TMA637593 and TMA1339710, to which the Complaint relates, are particularized at Annex 1 (the "THERMAGE Marks").

The THERMAGE Marks have been continuously used by the Complainant and its licensees in Canada and remain in use today.

5.2 Requirements

In accordance with Paragraph 4.1 of the Policy, 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.

5.3 Analysis

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

To succeed in this proceeding, paragraph 4.1(a) of the Policy requires the Complainant to demonstrate, on a balance of probabilities, that it has rights to a "Mark" that predate the registration and the Domain Name is confusingly similar to that Mark.

Rights in a Mark that Predate the Domain Name Registration

The Complainant's registered rights in the THERMAGE Marks predate the December 2025 acquisition date of the Domain Name. Moreover, the Complainant extensively used the THERMAGE Marks in Canada in association with beauty treatments and medical devices for contracting skin, body sculpting and soft tissue

reconstruction and related goods, dermatological treatment and non-invasive cosmetic medical services, and related goods and services, including via its website located at <ca.thermage.com> since at least as early as 2002.

Confusing similarity

In this case, the relevant part of the Domain Name is “thermage”. The Domain Name is identical to the Complainant’s THERMAGE Marks.

In *Anytime Fitness Franchisor v Witt*, 20091-CDRP (March 13, 2023) [use of the trademark ANYTIME FITNESS] in <anytimefitness.ca>], the Panel observed:

“Where a domain name is identical and wholly incorporates a Complainant’s registered Mark, this is sufficient to establish identity or confusing similarity for the purposes of the Policy: *Nikon Inc. v. Technilab, Inc.* Case D2000-1774 (WIPO) March 7, 2001. Identity or near identity to the Complainant’s mark will always be sufficient to find that a domain name is confusingly similar to a complainant’s mark: *Sleep Country Canada Inc. v. Pilfold Ventures Inc.* Case 00027 (CIRA) March 14, 2005. Since the Disputed Domain Name contains the exact wording of the Complainant’s Mark, namely the use of the words “Anytime Fitness”, there could be no doubt that it is confusingly similar to the Complainant’s Mark.”

Identical domain names have been addressed in many cases including:

- *Panavision Int’l v Mullen*, 0378-CIRA (Nov. 22, 2018) [use of the trademark “PANAVISION” in <panavision.ca>]. “The Domain Name is comprised exclusively of the PANAVISION trademark, and as a result, the Registrant cannot escape a finding of confusing similarity.”;
- *Birkenstock Sales GmbH v Klimavicius*, 2246-CIRA (Aug. 15, 2020) [use of the trademark “BIRKENSTOCK” in <birkenstock.ca>]. “... the Domain Name is confusingly similar to the Complainant’s Mark. The relevant word “Birkenstock” in the Domain Name is the same as in the Mark.”;
- *Loxone Electronics GmbH v Kreutz*, 15909-CDRP (Sept. 18, 2021) [use of the trademark “LOXONE” in <loxone.ca>]. “In the instances where the domain name incorporates the distinguishing element of the Mark, confusion will be established. ... the disputed domain name is confusingly similar to “LOXONE” Mark.”;
- *SW Soccer (DBA Inaria) v O’Connor* 26483-CDRP (Mar. 12, 2026) [use of the trademark “INARIA” in <inaria.ca>]. “[I]n cases where a domain name incorporates the entirety of a trademark, ... the domain name will normally be considered confusingly similar to that mark,” citing the WIPO Overview 3.1, sec 1.7; and
- *Hostinger UAB v Privacy Guardian*, 26880-CDRP (May 9, 2026) [use of the trademark “HOSTINGER” in <hostinger.ca>]. “[T]he Disputed Domain Name incorporates the Complainant’s trademark HOSTINGER verbatim (and matches the Complainant’s own domain hostinger.com), with no additional distinctive indicia, so the average Internet user would clearly be confused and mistake the Disputed Domain Name for the Complainant’s trademark. ... “[w]here a domain name is identical to and wholly incorporates a Complainant’s Mark, this is sufficient to establish identity or confusing similarity for the purposes of the Policy”.

Overview of “Confusing Similarity”

This Panel finds that the Domain Name is confusingly similar to the Complainant's THERMAGE Marks in which the Complainant had and continues to have Rights; the Complainant has satisfied paragraph 4.1(a) of the Policy.

5.3.2 Whether the Registrant registered the Domain Name in Bad Faith

To succeed in this proceeding, paragraph 4.1(b) of the Policy 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.

Inherent to a finding of bad faith is some attribution of knowledge by a registrant of a complainant's trademark, whether actual or based upon a conclusion that a registrant should have known of the mark; *Liberty Natural Products Inc. v Solace Industries Inc* 27084-CDRP <libertynaturals.ca> (June 16, 2026) at section B, p 6. Indeed, the Complainant alleges (para 47) that the Registrant was aware of the Complainant's identity and THERMAGE Marks, when it registered or acquired the Domain Name. Given that there is confusion as to the identity of the Registrant prior to December 2025, this Panel focuses on the period thereafter. This Panel has no hesitation in concluding that the current registrant was aware of the Complainant's identity and THERMAGE Marks when it acquired the Domain Name at least by December 2025.

The Complainant submits that bad faith is apparent under at least paragraphs 3.5(c) and (d) of the Policy; these provisions are addressed below.

Paragraph 3.5(c)

This provides:

- (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;

To recap, the Domain Name was initially registered in 2003 and, apparently, re-registered in May 2011. Various registrations were held from 2011 to 2025. On the evidence, this Panel has found that the Registrant had acquired the Domain Name by December 9, 2025.

The Complainant operates a website hosted at the domain <thermage.com>, which features Solta's business and services promoted and advertised in association with the THERMAGE trademarks, namely the offering of beauty treatments and medical devices for beauty and cosmetic treatments. Canadian visitors who attempt to

visit the website hosted at the domain <thermage.com>, are redirected by Solta to <ca.thermage.com>. The information and material on <ca.thermage.com> are presented to Canadian visitors only.

As the Complainant argues, the Domain Name incorporates the Complainant's distinctive THERMAGE Mark, in its entirety and the website associated with the Domain Name redirects to the Registrant's business website where the Registrant offers dermatological and cosmetic services that compete with the Complainant's services registered and used in association with the THERMAGE Mark.

As in *DK Crown Holdings Inc v Batbatan*, 27063-CDRP <draftkingsontario.ca> (June 4, 2026), at section 7.3. "The use of the Domain Name was not incidental or descriptive. It was a deliberate targeting of the Complainant's Mark and ... business."

Competing for internet traffic by capitalizing on consumer confusion is sufficient to make the Registrant a competitor and to cause disruption. In *Magna Int'l Inc. v Silva* DCA-1415-CDRP <mymagna.ca> (July 12, 2012) the panel stated (at paragraph 23):

"When a Registrant takes a famous name and, without permission or authority, uses it as the basis for a domain name and then a that promotes competing goods and services, the only rational conclusion that can be reached is that this was being done by the Registrant to cast himself in the role of a competitor of the Complainant and to disrupt the Complainant's business and divert that business to himself.

That same logic applies here. In this case, the Domain Name redirects visitors to the Registrant's website at <mdspa.ca>, where the Registrant offers dermatological and cosmetic services that compete with the Complainant's services registered and used in association with the THERMAGE Marks.

Consequently, the Panel concludes that in or before December 2025 the Registrant acquired the Domain Name primarily for the purpose of disrupting the business of the Complainant to drive traffic to or from the Domain Name for commercial gain to the Registrant's own business.

Paragraph 3.5(d)

This provides:

- (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.

In *Essential Parfums S.A.S. V Andriy Azarov* CIIDRC 27055-CDRP <essentialparfumes.ca> (June 24, 2026) the panel stated (at page 6):

Prior Panels have held that hosting a website which falsely conveys the impression, to users, that it is the official site of a Complainant or of an authorized proxy, satisfies the standard of bad faith registration.

Here the Registrant acquired a domain name that was confusingly similar to the Complainant's THERMAGE Mark, used that domain for a website to redirect internet traffic to the Registrant's <mdspa.ca> domain. There, the Registrant offers dermatological and cosmetic services that compete with the Complainant's

services registered and used in association with the THERMAGE Marks. In particular, as shown in Annex 12, the Registrant represented that "thermage" was one of its "medical and aesthetic partners". It went on to identify "Thermage Skin Tightening" as one of its services; indeed, listing that service as its most expensive.

The Complainant asserts that it is well-established that use of a domain name that incorporates a confusingly similar or identical mark on sites that compete directly with the trademark owner is evidence of bad faith and refers to *Emerson Vulcan Holding LLC v. Dan Thompson*, BCICAC Case No. DCA-2060-CIRA <keystonevalves.ca> (March 21, 2019). There, the panel stated (at page 11) "a distributor acts in bad faith if a website is used in these circumstances and promotes third party brands, which the Registrant has done". Here, in addition to asserting a connection with "thermage", the Registrant also promoted its "partners" - "jane iredale", "fraxel", "Alumier", and other brands.

This Panel is satisfied that the Registrant's purpose in acquiring the Domain Name was to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's Mark. By redirecting from the <thermage.ca> domain and using the THERMAGE Marks at the <mdspa.ca> domain, the Registrant is clearly attempting to profit from an implication that it is an authorized dealer or at least an authorized user of the THERMAGE Marks.

Overview of "Bad Faith Registration" (Acquisition)

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

Registrant's Non-participation

The Registrant failed to file a response to the Complaint or otherwise participate in this proceeding. Some Panels treat this as reinforcing a finding of bad faith. "Failure to respond reinforces a finding of bad faith because a reasonable person with a legitimate claim to a domain name would likely respond with a correction or denial"; see para. 4.3.3.5 in *Indeed, Inc. and Indeed Canada Corp. v. Homayon Sadeghi / Marketing Reputation Inc.*, CIIDRC 16919-CDRP (July 14, 2022). However, there is also authority that registrant default or non-participation in a proceeding does not constitute an admission of a complainant's claims; *Sauna Works v Jacob* CIIDRC 24920-CDRP <clearlightsaunas.ca> (May 26, 2025), at page 5. But this approach is not appropriate here, where the allegations advanced by the Complainant are supported by evidence rather than mere conclusory assertions. Hence, the Registrant's non-participation does reinforce this Panel's finding of bad faith.

5.3.3 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 Policy 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.* CIIDRC 16881-CDRP <eqifax.ca; eqifax.ca; and quifax.ca> (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; however, the Registrant was not licensed or otherwise authorized to register or use the THERMAGE Marks in any manner whatsoever. This Panel accepts that, in the absence of any evidence from the Registrant to the contrary, the Complainant has not authorized the Registrant to use the Thermage Marks in any manner whatsoever including in the Domain Name; as in *Skechers USA, Inc. v. Sharon Berling*, CIIDRC 15575-CDRP <skechersshoescanadaoutlet.ca> (July 12, 2021), at para 32.

Paragraph 3.4(b) requires registration in good faith in association with any wares, services, or business and a clearly descriptive domain name; the name “THERMAGE” is a coined term, distinctive, but not clearly descriptive, other than as used as with Complainant’s Marks.

Paragraph 3.4(c) requires good faith registration of a domain name where the domain name is understood in Canada to be the generic name of any wares, services or business; the Domain Name cannot be understood to be the generic name of any wares, services or business.

Paragraph 3.4(d) also requires use of a domain name in Canada in good faith in association with a non-commercial activity; there is no evidence that the Registrant was using the Domain Name for a legitimate non-commercial activity.

Further, paragraphs 3.4 (a)-(d) of the Policy all require “good faith” on the Registrant’s part. As explained in the bad faith analysis above, the Panel cannot conclude the Registrant registered (per paragraphs (b) and (c)) or uses (per paragraphs (a) and (d)) the Domain Names in good faith.

With respect to paragraph 3.4(e), the Registrant is identified as “Mdspa Team”. 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. Therefore, the provisions of paragraph 3.4(f) do not apply.

Overview of “Legitimate Interest”

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

6. DECISION and ORDER

For the above reasons, in accordance with paragraph 4 of the Policy, paragraph 12 of the Rules, this Panel orders that registration of the Domain Name, <thermage.ca>, be transferred to the Complainant.

Made at Vancouver, on this 3rd day of August, 2026

SIGNATURE OF PANEL



Thomas Manson, KC

