



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	27159-CDRP		Decision date:		
Disputed Domain Names:	excpedia.ca expdiea.ca expeddia.ca expedica.ca expideia.ca bexpedia.ca	exoedua.ca expeedia.ca expedfia.ca expediea.ca expodia.ca sxpedia.ca	edxpedia.ca expeid.ca expediaa.ca expediua.ca expredia.ca	epxpedia.ca expepia.ca expediac.ca expesia.ca exxpedia.ca	expddia.ca experida.ca expediaca.ca expetia.ca rexpedia.ca
Panel:	Robert Fashler, FCIArb.				
Complainant:	Expedia Canada Corp., together with its parent company Expedia Group, Inc., and two subsidiaries of that parent company, namely, Expedia Inc. and Hotels.com, L.P. (collectively the “Complainant”)				
Registrant:	Privacy Guardian				

1. Overview

1.01 This matter concerns the 27 domain names identified in the following table (“**Disputed Domain Name/s**”).

1. excpedia.ca reg. date: 1 Dec. 2024	2. exoedua.ca reg. date: 1 Dec. 2024	3. edxpedia.ca reg. date: 1 Dec. 2024
4. epxpedia.ca reg. date: 1 Dec. 2024	5. expddia.ca reg. date: 1 Dec 2024	6. expdiea.ca reg. date: 1 Dec 2024
7. expeedia.ca reg. date: 24 Nov. 2024	8. expeid.ca reg. date: 1 Dec. 2024	9. expepia.ca reg. date: 23 Dec. 2024
10. experida.ca reg. date: 29 Nov 2024	11. expeddia.ca reg. date: 24 Nov. 2024	12. expedfia.ca reg. date: 1 Dec. 2024
13. expediaa.ca reg. date: 24 Nov. 2024	14. expediac.ca reg. date: 14 Dec. 2024	15. expediaca.ca reg. date: 14 Dec. 2024
16. expedica.ca reg. date: 1 Dec 2024	17. expediea.ca reg. date: 24 Nov. 2024	18. expediua.ca reg. date: 23 Dec. 2024

19. expesia.ca reg. date: 16 Jan. 2025	20. expetia.ca reg. date: 23 Dec. 2024	21. expideia.ca reg. date: 29 Nov. 2024
22. expodia.ca reg. date: 29 Nov. 2024	23. expredia.ca reg. date: 24 Nov. 2024	24. exxpedia.ca reg. date: 29 Nov. 2024
25. rexpedia.ca reg. date: 1 Dec. 2024	26. bexpedia.ca reg. date: 14 Dec. 2024	27. sxpedia.ca reg. date: 14 Dec. 2024

For convenience of reference the table identifies each Disputed Domain Name with a number. Hence, references herein to a Disputed Domain Names by number means the Disputed Domain Name/s designated by those numbers in the table. For example, “Disputed Domain Name 7” means expedia.ca.

1.02 The Disputed Domain Names were registered on the dates indicated in the table.

1.03 This proceeding is governed by the Canadian Dispute Resolution Policy (“**Policy**”) and the Canadian Dispute Resolution Rules (“**Rules**”) of the Canadian Internet Registry Authority (“**CIRA**”).

1.04 The Canadian International Internet Dispute Resolution Centre (“**CIIDRC**”) is a recognized service provider for domain name disputes under the Policy.

2. PROCEDURAL HISTORY

2.01 The procedural history of this case is set out in a letter from CIIDRC to the Panel dated 16 July 2026, as follows:

(a) On May 29, 2026, Daniel Anthony of Smart and Biggar LP filed a Complaint on behalf of Complainant (“**Original Complaint**”) pursuant to the CDRP and the Resolution Rules. The Original Complaint addressed 42 different domain names.

(b) On May 29, 2026, CIIDRC notified CIRA of this proceeding. CIRA advised CIIDRC that 16 of the domain names identified in the Original Complaint did not appear to be registered. CIIDRC passed that information on to Complainant’s counsel, who confirmed Complainant’s decision to continue the proceeding in relation to the 26 remaining Disputed Domain Names.

(c) On June 9, 2026, CIRA advised CIIDRC that locks had been placed on the Disputed Domain Names and identified the registrant of each Disputed Domain Name. CIRA informed CIIDRC that one domain name identified by Complainant is registered with a different registrar than the remaining 25 domain names, so it was also excluded from these proceedings.

(d) On June 16, 2026, Complainant filed an amended Complaint (“**Amended Complaint**”) adding Disputed Domain Names 1 and 2 to the proceeding, such that the total number of Disputed Domain Names is 27.

(e) On June 17, 2026, CIIDRC notified CIRA of the Amended Complaint. For clarity, all references hereinafter to the “Complaint” mean the Amended Complaint.

(f) On June 24, 2026, CIRA provided registrar verification for Disputed Domain Names 1 and 2, confirmed that those Disputed Domain Names had been placed under lock, and confirmed that the Registrant of those Disputed Domain Names is the same as the Registrant of the other Disputed Domain Names.

(g) On June 25, 2026, CIIDRC notified Registrant of this proceeding and provided Registrant with a Notice of Complaint together with the Complaint.

(h) The deadline for Registrant to file a Response was July 15, 2026. Registrant has not filed a Response either before or after the deadline.

(i) Complainant elected to have the proceeding decided by a single-member panel.

(j) On July 16, 2026, CIIDRC appointed Robert A. Fashler as a single-member panel in this proceeding.

3. Default/Anonymity/Canadian Presence

3.01 Registrant has neither responded to the Complaint nor 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.

3.02 The beneficial owner/s of the Disputed Domain Names is/are unknown. The WHOIS data does not reveal any registrant name or organization. The WHOIS database searches conducted by Complainant do not identify any beneficial owner. All fields that would otherwise identify the Registrant of each Disputed Domain Name read “REDACTED FOR PRIVACY”.

3.03 The Registrant information provided by CIRA identified “Privacy Guardian” as the owner. The field for “Organization” is populated with the words “See PrivacyGuardian.org”. The information provided by CIRA identifies Privacy Guardian’s address as:

*1928 E. Highland Ave. Ste F104 PMB# 255
Phoenix, Arizona, 85016, USA*

3.04 The name “Privacy Guardian” denotes a business that provides privacy/proxy services. The Privacy Guardian website describes its operations as follows:

We guard our customers by allowing their details to remain private while still complying with domain registration rules.

3.05 The website of Privacy Guardian makes the following statements on its website:

PrivacyGuardian does not own any domains. The only way to contact the owner of a domain listing our name in WHOIS is via the form below.

3.06 The services of Privacy Guardian are distributed by the Registrar of the Disputed Domain Names – NameSilo Technologies Inc. (“**NameSilo**”).

3.07 There is sufficient evidence to conclude that Privacy Guardian, with the active participation of NameSilo, is acting as a trustee, agent, or representative of one or more third party customers whose identity it actively conceals. Indeed, concealing customer identity is the primary service that Privacy Guardian sells.

3.08 The veil of secrecy employed by Privacy Guardian extends to its own identity and ownership, which makes it difficult, if not impossible, to ascertain whether or not Privacy Guardian is an independent entity that satisfies CIRA’s Canadian Presence Requirements.

3.09 Of greater concern, it appears that Privacy Guardian, its customer/s, and NameSilo may be in breach of section 4.1 (g) of CIRA’s Registrant Agreement, which reads:

4.1 Throughout the Term of this Agreement, the Registrant shall comply with and abide by all provisions of this Agreement and the Registry PRP. Furthermore, the Registrant shall, in accordance with this Agreement and the Registry PRP:

....

(g) not allow any third party to use or operate any Domain Name Registration registered in the name of the Registrant and not register any Domain Name as agent for, or on behalf of, any third party in any manner whatsoever, including without limiting the generality of the foregoing, for the purposes of lending, leasing, licensing or otherwise granting rights in such Domain Name Registration to any third party for monetary or non-monetary consideration, unless such third party: (i) otherwise qualifies under the applicable Registry PRP including without limitation CIRA’s Canadian Presence for Registrants; or (ii) is an Affiliate of the Registrant. For this purpose, “third party” means any Person other than CIRA and the Registrant.

3.10 As a consequence of the deliberate conduct of Privacy Guardian, NameSilo, and the beneficial owner/s of the Disputed Domain names there is no easy way to ascertain the true identity of the beneficial Registrant. It is not even possible to ascertain whether there is a single beneficial owner of the 27 Disputed Domain Names, 27 different beneficial owners, or something in between.

3.11 More important, it is not possible to ascertain whether the beneficial owner satisfies CIRA’s Canadian Presence Requirements.

3.12 In the Panel’s view, the foregoing circumstances, taken together, raise serious concerns about the conduct and motivation of the beneficial owner/s of the Disputed Domain names, Privacy Guardian, and

NameSilo. Specifically, Registrant, Privacy Guardian, and NameSilo have participated in manufacturing an impenetrable fog that conceals crucial facts and enables bad faith conduct.

4. Facts

Complainant's Allegations

4.01 Expedia Group, Inc. ("**Expedia Parent Corp**") is the parent corporation of:

(a) Expedia, Inc. ("**Expedia USA**"), which is a United States corporation; and

(b) Expedia Canada Corp. ("**Expedia Canada**"), which is a Canadian Federally-incorporated corporation.

Hereinafter, Expedia Parent Corp, Expedia USA, Expedia Canada are sometimes referred to as the "**Expedia Group**".

4.02 Expedia USA owns a family of several trademarks that consist of the word EXPEDIA or feature it as a dominant element ("**EXPEDIA Family of Marks**") fourteen of which are registered in the Canadian Intellectual Property Office ("**CIPO**"), including Canadian Registrations No. TMA612330 (EXPEDIA), TMA580739 (EXPEDIA), and TMA512104 (EXPEDIA).

4.03 Expedia Canada is licensed to use the EXPEDIA Family of Mark.

4.04 As a licensee under the EXPEDIA Family of Marks for Canada, and as a Canadian Federal Corporation, Expedia Canada has independent standing to bring the Complaint in respect of the Disputed Domain Names and to receive transfer of the Disputed Domain Names.

4.05 The Expedia Group and related corporations comprise a world-famous travel technology company that owns and operates travel fare aggregators and booking services, including Expedia, Hotels.com, Vrbo, Travelocity, Trivago. Hereinafter, such services and technologies operated at the Expedia.ca website are sometimes referred to as the "**Expedia Platform**".

4.06 The Expedia Platform was launched in 1999 by Complainant's predecessor in title, Microsoft Corporation. It was spun off into a public company in 1999. The first Canadian trademark application for EXPEDIA (Reg. No. TMA512104) was filed in 1996 and issued in 1999, and that mark has been used continuously ever since.

4.07 In Canada, the Expedia Platform operates through Expedia.ca. The traffic on Expedia.ca is overwhelmingly from Canada (about 90%). Expedia.ca receives extremely high volumes of traffic with tens of thousands of Canadian visitors per day. Expedia.ca is the top ranked hospitality website in Canada with roughly 10 million monthly visits.

4.08 The Disputed Domain Names were registered beginning in 2024, long after the first EXPEDIA registration issued in 1996 and the Expedia Platform captured the leading market position for Internet travel services, and substantial fame, in Canada.

4.09 Complainant's business relies upon millions of monthly visits to its website, often of short duration (such as 10 minutes to browse and book flights, hotels, car rentals, etc.). Users often return several times per day. Complainant is highly vulnerable to "typosquatting", whereby cybersquatters register a domain name that differs from a trademark by one or more letters (or keystrokes) for the purpose of siphoning off traffic intended for the trademark owner.

4.10 Typographical errors can occur on a variety of keyboards including small virtual keyboards displayed on touchscreens (e.g. on phones, tablets, and watch screens), which increase the incidence of typos. Further, typos are harder to detect on virtual keyboards embedded in touchscreens because the writing is so small.

4.11 Registrant has programmed several of the Disputed Domain Names to hijack traffic surreptitiously. When a user seeking the Expedia Platform accidentally types in one of the Disputed Domain Names, the user's request is routed directly to one or more "affinity" websites from which it is forwarded to the actual Expedia Platform. That forwarding is treated as a referral. The user has no idea that they typed in the wrong URL. To the contrary, they most likely believe that they entered the correct URL because they end up where they intended to go.

4.12 When an affinity website refers a customer to a website and the customer makes a purchase at that website, the owner of the website pays a commission to the referring party. Hence, Registrant is seeking to profit directly from user mistakes at the expense of Complainant.

4.13 The procedure employed by Registrant is not legitimate. The correct way to generate referral commissions is to post legitimate content that provides fully disclosed links to the Expedia Platform (e.g. a legitimate operator could write a travel blog that provides direct links to Expedia.ca where they may book a related trip (e.g. flights, hotel or car)). Instead, Registrant hijacks Internet users who are seeking the Complainant's website for the purpose of generating unearned referral commissions. The hidden redirect may also place cookies and trackers on the user's browser without permission.

4.14 Complainant provides a table that identifies the Disputed Domain Names that link to affiliate websites, and then route the user's request to the Expedia Platform thereby triggering the referral and redirect sequence, together with the specific URLs that implement the scheme. Fifteen of the 27 Disputed Domain Names are currently employed in this scheme ("**Active Domain Names**").

4.16 Another danger posed by the Disputed Domain Names is that they could be employed to conduct phishing attacks. For example, the Disputed Domain Name edxpedia.ca could be used to send e-mails that appear to come from a real expedia.ca address. In this regard, an e-mail from offers@edxpedia.ca (fake address) makes it hard to even notice the extra "d" for the recipient to spot that the e-mail is not legitimate).

4.17 Twelve of the Disputed Domain Names were not employed in Registrant's scheme at the time of the Complaint ("**Inactive Domain Names**"). Complainant speculates about the possible reason for such inactivity, as follows:

In addition to the above traffic stealing and bad faith referral redirection, the remaining domains (about 12) do not currently direct to any website. These may have previously been used for redirects, or may only become

active once a critical volume of traffic is detected at that particular typo string. In other words, only sufficiently popular typos may be set up for referral redirection. (We note that about 16 of the Registrant's domains were abandoned – not renewed – in the past few months. Those domains may have been those that did not generate sufficient typo traffic to justify maintaining the domain.)

Registrant's Allegations

4.18 The Registrant has not filed a Response.

5. CONTENTIONS OF THE PARTIES

Complainant

Complainant submits as set out below. Paragraphs depicted in italics are verbatim quotes from the Complaint.

A. Confusingly Similar

5.01 *The test for confusing similarity is “whether the average Internet user, with an imperfect recollection of the Mark who wishes to access a website operated by the Complainant, either **by entering a domain name including the Mark into the address bar of an Internet browser** or by entering the key terms of the domain name into an Internet search engine, would likely be confused as a matter of first impression.” (emphasis added). (The Manning Foundation for Democratic Education v CC Journ, DCA-2017-CIRA at para 35 (October 23, 2018) citing Great Pacific Industries Inc v Dhalla, 0009 (April 21, 2003))*

5.02 *In this case, the Disputed Domain Names match the Complainant's trademark, except they bear some minor typographical difference, with no additional distinctive indicia, so the average Internet user would clearly be confused and mistake the Disputed Domain Names for the Complainant's trademarks. “[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”. (Leidos, Inc v Smither, Re, 24273-CDRP (January 9, 2025) at para 20 citing Nikon Inc v Technilab, Inc, Case D2000-1774 (March 7, 2001))*

5.03 *It should be noted that in the Manning Foundation case there is reference to “entering a domain name including a Mark”. That is what consumers are trying to do each time they accidentally enter one of the Disputed Domains. In that regard, most of the typographical changes in the Disputed Domains involve adjacent letters. (E.g. edxpedia vs. expedia, the “d” is added and appears on the keyboard in between the keys for “e” and “x”. The squatter therefore hopes the person will accidentally hit “e-d-x”, when trying to type “e-x”, which is very possible given the location of the “d”).*

5.04 *In addition, the very fact that many of the domain names currently redirect traffic to the Complainant's actual website of expedia.ca (as seen in the chart above) is proof that the Disputed Domains are confusingly similar to Expedia.ca. Otherwise, consumers would be surprised to arrive at that site and wouldn't purchase anything (but would leave), undermining the point of the “referral fee trickery” (which is generally some percent of the money spent).*

5.05 *While most of the domain names are on their face highly similar to the mark EXPEDIA in appearance and sound (just adding a letter or reversing some letters), several leverage “adjacent keys” on the keyboard to create confusion, even if they don't look as similar visually. As an example, the last domain in the chart above*

is *exoedua.ca*. That domain simply takes the Complainant's real website of "Expedia.ca" and changes the "p" to an "o" (which are adjacent on the keyboard) and the "i" to a "u" (also adjacent). Overall, all of the 27 domains are confusingly similar to Expedia, whether in their appearance and/or in the keystrokes require to type the domain (i.e. being one or two keystrokes off of typing Expedia.ca properly).

B. Legitimate Interests

5.06 As a preliminary point, the Complainant notes that, with respect to paragraphs 3.4(a), (b), (c), and (d), there "is a requirement that the Registrant act 'in good faith'." Because the Respondent is using the Disputed Domain Names in bad faith, to steal traffic intended for the Complainant's popular websites paragraphs 3.4(a), (b), (c), and (d) do not apply in the present case.

5.07 In reference to subparagraph 3.4 (a) of the Policy: *The Registrant does not own any trademarks corresponding to the domains (which are all typos), and does not use any of the domains, except in bad faith. (A search was conducted in CIPO to see if an[y] of the terms were registered trademarks and none were.) Therefore, 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 a mark.*

5.08 In reference to subparagraph 3.4 (b) and (c) of the Policy: *The Disputed Domain Names do not constitute a clearly descriptive or generic name but rather constitute the Complainant's registered trademarks EXPEDIA with typos. Such typographic variations of a famous hospitality industry trademark (which is registered) and the corresponding domain name (expedia.ca) cannot be "clearly descriptive" or "generic" use. The fact that many of the Disputed Domains redirect to the Complainant's actual websites reveals that they are not intended to be generic, but are intended as source indicators.*

5.09 In reference to subparagraph 3.4 (d) of the Policy: *The Registrant is not using the domains for non-commercial activity, but for bad faith redirection of traffic through affinity brokers to the Complainant to earn money. There may also be use for other purposes, such as phishing or otherwise.*

5.10 In reference to subparagraph 3.4 (e) of the Policy: *There is no evidence that the Disputed Domain Names are a legal name of the Registrant or the name or surname or other reference by which the Registrant was or is commonly identified. Indeed, given the nonsense nature of most of the domains (being misspellings of the Complainant's trademark), they could not rationally be legal names or surnames.*

5.11 In reference to subparagraph 3.4 (f) of the Policy: *This subparagraph does not apply because EXPEDIA is clearly not a geographical location.*

C. Bad Faith

5.12 In reference to subparagraph 3.5 (b) of the Policy:

(a) *By registering the 42 [now 27] Disputed Domain Names, the Registrant has prevented the Complainant from registering those domains. Furthermore, the Registrant has engaged in a pattern of registering domain names to prevent other parties from registering their trademarks.*

(b) *The Complainant filed a Request for List of Domain Names with CIRA for domain names registered to the Registrant of expedia.ca (one of the disputed domains). The results of this request showed that the Registrant owns just over 10,000 .ca domain names, a great many of which appear to target famous marks. See Annex K. We note many famous brands are targeted, even with a collection of dozens of typo squatted domains clustered around popular brands. A few examples of those brands, with their actual website in brackets) are: ANCESTRY.com (<https://www.ancestry.com/>), TICKETMASTER (<https://www.ticketmaster.ca/>), BEST BUY (<https://bestbuy.ca/>), COLUMBIA SPORTSWEAR (<https://www.columbiasportswear.ca/>), and STAPLES (<https://www.staples.ca/>) among many other famous brands.*

5.13 In reference to subparagraph 3.5 (d) of the Policy:

(a) *... the Registrant has created a likelihood of confusion by incorporating typographical variations of the Complainant's famous trademarks EXPEDIA within the Disputed Domain Names, and then setting up bad faith redirection of that traffic through affinity marketers and then to the Complainant's actual websites to impersonate genuine referral traffic and seek to improperly earn referral income.*

(b) *... there can be no greater violation of s. 3.5(d) than stealing traffic specifically intended for the Complainant's website, diverting it through referral sites, then bringing that traffic back to Complainant in order to collect fees for it. In effect, the Complainant ends up paying a fee for its rightful traffic. In addition, the Registrant is tricking consumers into thinking they have correctly typed in the Complainant's website by bringing them to site they are expecting (so they don't realize their mistake), but then also secretly redirect those consumers through other websites during which they have potentially agreed to cookies, tracking, etc. along the way. In addition to deceiving consumers, the Complainant is potentially violating their privacy and security.*

(c) *There can be no doubt the registrant was aware of the Complainant's rights. Not only is the Complainant marks famous, but the Registrant then directs the stolen traffic to the Complainant's No. 1 ranked expedia.ca. Furthermore, the mere fact of securing 42 variations of Expedia within 2 months (November 2024 – January 2025) shows a concerted effort to build up a collection of domains targeting the Complainant.*

(d) *As noted by the Panel in one case, "only in rare cases will there be direct evidence of a registration in bad faith. In most cases, as case law attests, such a finding is based on 'common sense inferences from the registrant's conduct and other surrounding circumstances'." (Rhenus SE & Co KG v Ali, 2024 Decision No 00506 at para 51). Furthermore, "a registrant's actual or constructive knowledge of a complainant's rights in a domain name at the time of registration has been found to reinforce a finding of bad faith registration". (Pirelli & CSpa v Pneus a Rabais, 2014 Decision No 00270 at para 26).*

(e) *In this case, the actions of the Registrant are so egregious as to leave any question of bad faith beyond doubt. The Registrant registered the Disputed Domain Name with knowledge of the Complainant and its trademark rights to benefit itself commercially.*

Registrant

5.14 Registrant has not filed a Response.

Remedy Sought

5.15 Complainant requests that the all of the Disputed Domain Names be transferred to it.

6. DISCUSSION AND FINDINGS

Eligibility

6.01 Expedia Canada and Expedia USA are eligible complainants under paragraph 1.4 of the Policy. Specifically, Expedia USA owns the Expedia Family of Marks, which are registered in the CIPO, Expedia Canada is a corporation under the laws of Canada and is the licensee under the Expedia Family of Marks.

Complainant's Onus

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

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

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

And the Complainant must provide some evidence that:

(c) Registrant has no legitimate interest in the Disputed Domain Names.

The Panel will consider each of these requirements in turn.

Analysis

A. First Element – Confusing Similarity

6.03 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.

6.04 The first registration for EXPEDIA issued in 1999 in the name of Expedia USA. Complainant has also provided substantial evidence of usage by Expedia Canada and Expedia USA in ordinary commerce in Canada sufficient to have established significant reputation, distinctiveness, and goodwill in the word EXPEDIA before the Disputed Domain Names were registered. Expedia Canada is licensed to use the

Expedia Family of Marks in Canada. Accordingly, Complainant also enjoys common law rights in the Mark EXPEDIA in addition to the registrations. Expedia Canada, is licensed to use the EXPEDIA Family of Marks. The Panel finds that all the trademarks in the Expedia Family of Marks qualify as “Marks” in which Expedia Canada and Expedia USA had rights before the Disputed Domain Names were registered under subparagraphs 3.2 (a) and (c) of the Policy.

6.05 Paragraph 3.3 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.

6.06 Paragraph 1.2 of the Policy expressly excludes “the dot-ca” suffix from the definition of “domain name. So, analysis is focussed on the second level domain (i.e. what precedes .ca).

6.07 Paragraph 3.3 is fairly narrow in scope and is not synonymous with the definition of “confusing” in the Trademarks Act of Canada. Paragraph 3.3 specifies two primary criteria, namely:

- (a) the domain name must resemble the Mark in appearance, sound or the ideas suggested by the Mark; and
- (b) that resemblance must be so close that there is a likelihood that the domain name will be mistaken for the Mark.

6.08 Complainant points out that some previous CDRP panels have added another consideration, namely, that the resemblance of the domain name to the Mark must be considered on the basis of first impression and imperfect recollection, which is a concept borrowed from Canadian trademark law. However, the Panel does not consider it necessary to analyse whether that principle has been correctly applied by previous panels.

6.09 The Panel is of the view that:

- (a) the Disputed Domain Name exoedua.ca (“**Dissimilar Domain Name**”) does not resemble the Mark EXPEDIA in appearance, sound, or ideas suggested (even as a matter of first impression and imperfect recollection); and
- (b) all 26 of the remaining Disputed Domain Names (“**Similar Domain Names**”) do resemble the Mark EXPEDIA in appearance, sound, and/or ideas suggested.

That is established by a straightforward comparison that considers appearance, sound, and ideas suggested. There is nothing to be gained by conducting a detailed analysis of each Disputed Domain Name.

6.10 When considering whether the degree of resemblance of the Similar Domain Names to EXPEDIA is likely to result in those domain names being mistaken for the trademark, it is helpful to look at the factual context.

6.11 It is abundantly clear that the Disputed Domain Names were created for the specific purpose of causing, and profiting from, user mistakes. Registrant is engaged in a cynical scheme to deceive Internet users and extract unearned commissions from Complainant. That scheme comprises a commonly-employed “business model” for exploiting the trademarks of others for personal gain. This business model is called “affiliate-typoquatting”.

6.12 Registrant could not collect referral commissions from Complainant if user mistakes did not occur. That is the primary function of an affiliate-typoquatting scheme. Registrant set up the 15 Active Domain Names to divert users who entered typographically incorrect URLs to commission-generating referral sites, and then on to their intended destination.

6.13 Registrant carefully designed the Disputed Domain Names to resemble EXPEDIA and to anticipate common data entry errors that occur when a user attempts to type EXPEDIA in a browser. At the end of the hijacking, the user ends up exactly where they expected to be. The process functions like auto-correction of typing whereby a word-processing program recognizes an error and automatically corrects it to what the user intended, without the user even knowing. The big difference is that Registrant receives, and Complainant pays, commissions along the way.

6.14 In assessing whether the Disputed Domain Names so nearly resemble EXPEDIA in appearance, sound or the ideas suggested by EXPEDIA as to be likely to be mistaken for it, the Panel is of the view that it is appropriate to give serious consideration to Registrant’s intentions. This approach was discussed at length in a 2023 decision of the Court of Appeal of England and Wales in *Easygroup Limited and Easy Live (Services) Limited*, et.al. [2023] EWCA Civ 150, as follows:

16. ... it is also clearly established that the intentions of the defendant may have evidential relevance. As *Lindley LJ* put it in *Slazenger & Sons v Feltham & Co (1889) 6 RPC 531* at 538:

“... if you are driven to the conclusion that what is intended to be done is to deceive if possible, I do not think it is stretching the imagination very much to credit the man with occasional success or possible success. Why should we be astute to say that he cannot succeed in doing that which he is straining every nerve to do?”

17. The law was more completely stated by *Earl Loreburn LC* in *Claudius Ash Ltd v Invicta Manufacturing Co Ltd (1912) 29 RPC 465* at 475:

“It is said in this case that the Defendants intended to deceive – not that the goods were calculated even innocently to deceive – but that there was a fraudulent intention on the part of the Defendants. That is a material fact which would be weighed duly and to which doubt great weight would be attached by any Court if it were established, because no Court would be astute when they discovered an intention to deceive, in coming to the conclusion that a dishonest defendant had been unsuccessful in his fraudulent design. When once you establish the intent to deceive, it is only a short step to proving that the intent has been successful, but still it is a step even though it be a short step. To any such charge there must be, however, two conditions. The first is that it ought to be pleaded explicitly so as to give the defendant an opportunity of rebutting the accusation of intent. The second is that it must be proved by evidence.”

18. The rationale for this principle was explained by *Dixon and McTiernan JJ* in *Australian Woollen Mills Ltd v F S Walton & Co Ltd (1937) 58 CLR 641* at 657:

“The rule that if a mark or get-up for goods is adopted for the purpose of appropriating part of the trade or reputation of a rival, it should be presumed to be fitted for the purpose and therefore likely to deceive or confuse, no doubt, is as just in principle as it is wholesome in tendency. In a question how possible or prospective buyers will be impressed by a given picture, word or appearance, the instinct and judgment of traders is not to be lightly rejected, and when a dishonest trader fashions an implement or weapon for the purpose of misleading potential customers he at least provides a reliable and expert opinion on the question whether what he has done is in fact likely to deceive. Moreover, he can blame no one but himself, even if the conclusion be mistaken that his trade mark or the get-up of his goods will confuse and mislead the public.”

19. The same rationale was given by Lord Simonds in *Office Cleaning Services Ltd v Westminster Window and General Cleaners Ltd* (1946) 63 RPC 39 at 42:

“... if the intention to deceive is found, it will readily be inferred that deception will result. Who knows better than the trader the mysteries of his trade?”

6.15 The Panel finds that:

(a) the Dissimilar Domain Name - exoedua.ca - is not confusingly similar to Complainant’s Mark Expedia, hence Complainant has not satisfied its burden under paragraph 3.1 of the Policy in relation to the Dissimilar Name; and

(b) All the Similar Domain Names are confusingly similar to Complainant’s Mark EXPEDIA, hence Complainant has satisfied its burden under paragraph 3.1 (a) of the Policy in relation to the Similar Domain Names.

6.16 The Panel’s finding above concerning the Dissimilar Name makes it unnecessary and inappropriate to conduct any further analysis of the Dissimilar Name. Hence, the balance of this Decision will focus exclusively on the 26 Similar Names. Any substantive reference to the Disputed Domain Names below should be understood as a reference to the Similar Names.

B. Second Element – Legitimate Interests

6.17 Although Complainant’s burden is minimal in relation to this element, Complainant has nonetheless made out a substantial case that Registrant does not have any legitimate interests in the Similar Names on the basis set out in paragraph 3.4 of the Policy.

6.18 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. The evidence of Registrant’s blatant bad faith is directly relevant to the consideration of Registrant’s legitimate interests.

6.19 The Complaint reveals that Registrant is engaged in a cynical affiliate-typoquatting scheme to deceive Internet users and extract unearned commissions from Complainant. Complainant alleges that Registrant victimizes many other trademark owners in the same manner. While that is quite possible, it is difficult to verify given the invisibility cloak provided by Privacy Guardian.

6.20 It is hardly surprising that Registrant hides behind a shield of anonymity and has declined to participate in this proceeding. The unique secrecy barrier employed by Privacy Guardian and NameSilo enables their customers to violate Canadian Presence Requirements and avoid legal responsibility. It is entirely possible that the beneficial Registrant does not satisfy Canadian Presence Requirements.

6.21 The Panel considers it appropriate to draw negative inferences from Registrant's arrangement with Privacy Guardian and NameSilo and its failure to participate in this proceeding. The beneficial Registrant's establishment of an invisibility cloak at the time of registration is entirely consistent with its engaging in affiliate-typosquatting thereafter. The beneficial Registrant's final act of bad faith was its failure to participate in this proceeding, thereby concealing its identity and location. Thus, the beneficial Registrant's conduct demonstrates bad faith from the moment of registration up to the time of cancellation or transfer.

6.22 In reference to subparagraph 3.4 (a) of the Policy, the Similar Domain Names were not registered Canadian trademarks of Registrant. As outlined by Complainant, there is no evidence that Registrant made any **good faith** use of the Similar Domain Names as a trademark. Rather, the evidence shows that Registrant used the Similar Domain Names dishonestly to operate an affiliate-typosquatting scheme.

6.23 There is no factual basis for inferring that Registrant registered the Similar Domain Names 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 Similar Domain Names entirely for bad faith reasons.

6.24 With reference to subparagraph 3.4 (c) of the Policy, there is no factual basis for inferring that Registrant registered the Similar Domain Names in **good faith** in association with any wares, services or business and that the Similar Domain Names were understood in Canada to be the generic name thereof in any language.

6.25 With reference to subparagraph 3.4 (d) of the Policy, there is no hint that Registrant might have used the Similar Domain Names in **good faith** in association with a non-commercial activity including, without limitation, criticism, review or news reporting.

6.26 With reference to subparagraphs 3.4 (e) and (f) of the Policy, the Similar Domain Names were clearly neither names by which Registrant was commonly identified, nor the geographical names of the location of Registrant's non-commercial activity or places of business.

6.27 The Panel finds that Registrant never had any legitimate interests in the Similar Domain Names 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

6.28 Paragraph 3.5 of the Policy enunciates four specific activities of a registrant that constitute bad faith. Although Registrant's bad faith is palpable, it does not fit squarely within the pre-defined categories established under Paragraph 3.5 of the Policy

6.29. However, paragraph 3.5 also expressly states that that bad faith registration is not limited to the pre-defined categories. Panels have the residual discretion to find bad faith conduct that is not specified in paragraph 3.5. Accordingly, the Panel will analyze Registrant's bad faith on a *sui generis* basis.

6.30 The Policy does not define "bad faith". Neither does the Trademarks Act. The concept is evolving in Canada and other jurisdictions one fact pattern at a time.

6.31 The common , non-legal, meaning of bad faith is expressed in the following dictionary definitions:

- (a) "Lack of honesty in dealing with other people" (Merriam-Webster Dictionary);
- (b) "Dishonest or unacceptable behaviour" (Cambridge Dictionary);
- (c) "Lack of honesty and trust"; "Intention to deceive; treachery or dishonesty" (Dictionary.com).

6.32 From a strictly legal perspective, bad faith is usefully expressed in a 2023 decision of the *UK Supreme Court in SkyKick UK Ltd and another v Sky Ltd and others* in the context of trademark applications:

147. It is striking that despite the importance of the concept of bad faith in EU law, there is no definition of it in any of this legislation and as a result there was for many years a good deal of variation in the way the concept was understood and applied by courts in different Member States.

....

151. As for the content of the objection, considerable assistance is now available in the form of a substantial body of decisions of the Court of Justice and the General Court of the European Union, provided it is understood that the categories of bad faith and circumstances which may constitute bad faith are not closed, and any assessment of bad faith must depend very much on the particular facts and circumstances of each individual case.

....

155. The circumstances which may justify a finding that an application to register a sign as a trade mark was made in bad faith have tended to fall into one of two categories (see, for example, Koton at para 46): (i) where the application was made, not with the intention of engaging fairly in competition but with the intention of undermining, in a manner inconsistent with honest practices, the interests of third parties; or (ii) where the application was made with the intention of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark, in particular the essential function of indicating origin – and so enabling the consumer to distinguish the goods and services of one undertaking from others which have a different origin.

6.33 Those articulations of "bad faith" are very helpful without impeding future development.

6.34 In the Panel's view, the beneficial Registrant's conduct (discussed at length above) is permeated with bad faith. In layman's terms, it is unmistakably dishonest. It is calculated to deceive and exploit others.

6.35 Taking a more legalistic approach, Registrant's conduct fits comfortably within the criteria enunciated by the UK Supreme Court in the SkyKick case. The Disputed Domain Names were all registered, and then utilized, "... not with the intention of engaging fairly in competition but with the intention of undermining, in a manner inconsistent with honest practices, the interests of third parties."

6.36 Registrant does not employ the Disputed Domain Names to engage in any form of acceptable competition or commerce. Never mind fair competition. Rather, Registrant surreptitiously inserts itself into third party communications and transactions for the purpose of tricking Complainant to pay it unearned commissions. That dishonesty undermines Complainant's legitimate interests and business processes.

6.37 Further, the Disputed Domain Names were clearly registered with "... the intention of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions" of a domain name, which is to serve as a means of directing Internet traffic in much the same manner as a telephone number. Registrant employs the Active Domain Names for the purpose of misdirecting Internet traffic, exploiting Internet users, and dishonestly triggering the payment of unearned commissions.

6.38 In a word, Registrant's registration and use of the Disputed Domain Names is parasitic. Previous CDRP decisions have characterized such activity as "opportunistic bad faith", as discussed 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 <eequifax> 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.

6.39 Decided CDRP cases sometimes find additional conduct that compounds the registrant's opportunistic bad faith. Such behaviour may include the use of affiliate links. In the *Equifax* case (*supra*), the panel stated 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.

6.40 The foregoing analysis focusses primarily on the Active Domain Names. However, Registrant's employment of the Active Domain Names establishes the context for understanding Registrant's acquisition of the Inactive Domain Names. All of those are "cut from the same cloth" – they were carefully designed to perform the exact same function. For reasons best known to Registrant, they have not been deployed... yet. In other words, all the Disputed Domain Names were registered in bad faith.

6.41 There is no question that Registrant registered the Disputed Domain Names with full knowledge of Complainant's business, trademarks, and reputation. Complainant provided ample evidence on the objective factors that made the Expedia Family of Marks well known if not famous in Canada. But Registrant's own behaviour is dispositive. Registrant carefully crafted the Disputed Domain Names to in a manner that requires knowledge of the trademark Expedia. The entire scheme could not work if Registrant did not know and target that trademark.

6.42 The Panel finds, under the Panel's residual discretion established by paragraph 3.5 of the Policy that Registrant expressly targeted Complainant and the Expedia Family of Marks as part of an affiliate-typosquatting scheme, and that by doing so, Registrant acted in bad faith at the time that it registered the Disputed Domain Names and in its subsequent affiliate-typosquatting activities.

6.43 The Panel finds that Complainant has satisfied its burden under paragraph 4.1 (c) of the Policy in relation to the Similar Domain Names.

7. DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the CDRP and Paragraph 12 of Rules:

(a) the Panel finds that Complainant has satisfied its burden under paragraph 4.1 of the Policy in relation to the domain names: excpedia.ca, edxpedia.ca, expxpedia.ca, expddia.ca, expdiea.ca, expeddia.ca, expeid.ca, expepia.ca, experida.ca, expeddia.ca, expedfia.ca, expediaa.ca, expediaca.ca, expediaca.ca, expedica.ca, expediaea.ca, expediua.ca, expesia.ca, expetia.ca, expideia.ca, expodia.ca, expredia.ca, exxpedia.ca, rexpedia.ca, bexpedia.ca, sxpedia.ca.

(b) the Panel finds that Complainant has not satisfied its burden under paragraph 4.1 of the Policy in relation to the domain name exoedua.ca.

(c) The Panel orders that the following domain names be transferred to Complainant Expedia Canada: excpedia.ca; edxpedia.ca, epxpedia.ca, expddia.ca, expdiea.ca, expeddia.ca, expeid.ca, expepia.ca, experida.ca, expeddia.ca, expedfia.ca, expediaa.ca, expediac.ca, expediaca.ca, expedica.ca, expediea.ca, expediua.ca, expesia.ca, expetia.ca, expideia.ca, expodia.ca, expredia.ca, exxpedia.ca, rexpedia.ca, bexpedia.ca, sxpedia.ca.

Made as of 6 August 2026

SIGNATURE OF PANEL


