



## CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

### DOMAIN NAME DISPUTE

### ADMINISTRATIVE PANEL

### DECISION

|                       |                                                                                        |                                   |
|-----------------------|----------------------------------------------------------------------------------------|-----------------------------------|
| CIIDRC case number:   | 27256-UDRP                                                                             | Decision date:<br>August 11, 2026 |
| Disputed Domain Name: | <StaceySoans.com>                                                                      |                                   |
| Registrar:            | GoDaddy.com, LLC                                                                       |                                   |
| Panel:                | Melvyn Simburg, FCI Arb. (Chair)<br><br>Douglas M. Isenberg, Esq. and Ganna Prokhorova |                                   |
| Complainant:          | Stacey Soans                                                                           |                                   |
| Respondent:           | TiLa Thi                                                                               |                                   |

#### 1. PROCEDURAL HISTORY

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

On June 11, 2026, Daniel Anthony of Smart & Biggar LP on behalf of Stacey Soans, filed a Complaint pursuant to the UDRP and the UDRP Rules via email to CIIDRC. The required fee was paid on June 11, 2026. The identity of the Registrant was not published in the public WHOIS database; therefore, the Registrant's name was not included in the Complaint.

CIIDRC checked the Complaint and determined that it satisfied the formal requirements of the UDRP Policy and Rules, and the CIIDRC Supplemental Rules.

On June 11, 2026, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, and on June 12, 2026, the Registrar responded advising of the identity of the Respondent and providing contact details. In addition, the Registrar confirmed that the disputed domain name was placed on a Registrar LOCK.

Domain Names: <StaceySoans.com>  
27256-UDRP

On June 15, 2026, the Complainant was informed of the Respondent's identity, as provided by the Registrar, and thereafter amended the Complaint accordingly.

On June 16, 2026, CIIDRC formally notified the Respondent of this administrative proceeding and transmitted the Written Notice of Complaint via email and registered mail. In accordance with Rule 4 (b)(f), the date of commencement of the Proceeding is June 16, 2026.

The Respondents' deadline to file a response was set for July 6, 2026.

On July 2, 2026, the Respondent, TiLa Thi, requested an extension of time to file a Response to the Complaint, including the automatic four-day extension available under Rule 5(b). In accordance with Rule 5(e) of the UDRP Rules, the request was granted. The deadline for the submission of the Response was therefore extended to July 24, 2026, inclusive of the four calendar days provided under Rule 5(b).

On July 22, 2026, the Respondent filed a Response to the Complaint. In the Response, the Respondent elected a three-member Panel and paid the required 50% share of the applicable three-member Panel fee in accordance with the CIIDRC UDRP Fee Schedule.

The Complainant subsequently paid the remaining 50% share of the three-member Panel fee, as required under the Rules and the CIIDRC UDRP Fee Schedule.

Pursuant to Rule 6(e), each Party nominated candidates for appointment to the Panel. The Parties were subsequently provided with a list of five candidates for the appointment of the Presiding Panelist and promptly submitted their respective preferences. Having considered the nominations and preferences submitted by the Parties, CIIDRC appointed Melvyn Simburg, FCI Arb. as Presiding Panelist, together with Douglas M. Isenberg, Esq. and Ganna Prokhorova as Co-Panelists, to determine this dispute.

The Domain Name was registered on September 16, 2023.

This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) of the Internet Corporation for Assigned Names and Numbers (ICANN).

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

Complainant is an HR professional, a professional model, a golf instructor, has published a book, and has several Instagram accounts. She has been engaged in her business activities for over 15 years. The parties are both in the greater Toronto area, know each other and were friends for a short time in 2023. Each party claims that the other has been harassing her for the last three years. Respondent brought court allegations alleging harassment by Complainant and sought a peace bond, which was denied for lack of supporting evidence.

Respondent obtained the Disputed Domain Name in September 2023 to post alleged incidents of harassment by Complainant and to solicit other alleged victims to come forward to describe similar incidents in their dealings with Complainant.

### 3. CONTENTIONS OF THE PARTIES

- **Complainant**

Complainant submits that she has used STACEY SOANS as a trademark for over 15 years and, although it is unregistered, Complainant contends that it is well known as a brand for her services. Complainant states that she has developed significant and valuable goodwill in the trademark STACEY SOANS following years of use for modelling, golf instruction, and golf influencing, including a strong social media presence.

Complainant points out that the name “Stacey Soans” is not common. Indeed, it is a truly unique name describing only the Complainant. A search of the Canada411.ca phone directory for “Stacey Soans” across Canada shows two entries for “S. Soans” (both belonging to the Complainant). The other three results for the family name “Soans” are all the Complainant’s family members. Further, a search for “Stacey Soans” on LinkedIn returns only the profile of the Complainant, and no other names. Such a unique name is exceptionally rare and increases the likelihood of developing common law rights.

Complainant’s common law rights have been developed in both the fields of “Modelling” and “Golf”. For Modeling, she has developed a substantial reputation in the common law mark STACEY SOANS:

- Complainant started modeling as a child in the 1990s, with her first contract being a shampoo (Pert Plus™) commercial.
- After child modelling, Complainant resumed modeling in 2007 (continuous to the present). From 2007 to 2012, Complainant worked with an agent (Sutherland) using her modeling profile (under the name STACEY SOANS) to secure contracts.
- From 2013 to 2018, Complainant worked as a freelance model (no agent) under her name STACEY SOANS. She had by that time built up sufficient connections that clients and contacts would seek her out.
- In 2019, Complainant signed with ICON agency (a leading agency) and has been represented by ICON since that time.
- Complainant has modeled in many photo shoots, during which many hundreds of pictures are taken in a single day. A few sample photos from several such shoots occurred between 2020 and 2024.
- Complainant has been hired by: a. photographers (to serve as a subject model to highlight their photography skills, b. make-up artists to model make-up, c. make-up brands to feature their make-up (e.g. Nudesticks), d. fashion brands to wear their clothing.



For Golf,

- Starting in about 2020, Complainant developed a reputation as a golf influencer using her personal name STACEY SOANS. That reputation was built up through playing golf, networking, being subject of golf photography, writing books and articles, attending events as a guest, etc.
- Complainant was featured as a named guest at a golf event in 2022 at the Copper Creek Golf Club ("the Club"), and has been featured in advertisements for golf lessons at the Club and for member experiences offered at the Club.
- Complainant runs a golf Instagram page (15.2K followers).
- Complainant has published a book about golf under her brand STACEY SOANS, available from various retailers.
- Complainant operates various social media promoting her golf book and golf expert services under the name STACEY SOANS.

Complainant submits that as a result of the above reputation established in the greater Toronto area (which was well established prior to the date of the domain registration in September 2023), potential commercial customers such as photographers, fashion designers, make-up artists, golf courses, seek out Complainant by name (i.e. by search STACEY SOANS) so as to engage her modelling or influencing services. Further, fans of her influencer services from both within and outside the greater Toronto area (Complainant has tens of thousands of Instagram followers for each of her three accounts) may seek her out by name to engage her influencer content (e.g. posts, articles, books).

In summary, Complainant contends that the mark STACEY SOANS is a distinctive (and indeed) unique identifier of the modelling and golf influencing services of the Complainant offered in the greater Toronto area, and that such rights far predate the domain registration.

In addition, Complainant submits that the Disputed Domain is identical to Complainant's trademark in her name, that Respondent has no rights or legitimate interests in respect of the domain name, and that Respondent has registered and is using the domain name in bad faith. More details are set out in the Complaint.

- **Respondent**

Respondent submits that STACEY SOANS is not a known brand and that Complainant has no common-law trademark rights in her name. Respondent acknowledges that complainants have been found to have common law marks in their names in circumstances where the name has been used as a marketable commodity, for a fee to promote another's goods or services, or for direct commercial purposes in the marketing of the complainant's own goods or services. Respondent contends that Complainant does not meet these criteria.

**Domain Names: <StaceySoans.com>**

27256-UDRP

Respondent further states that she has no intent to cause confusion and clearly takes lengths to avoid such confusion. She contends that the domain name is not intended to take business from Complainant but rather is intended to provide a forum for those that Respondent contends are victims of Complainant's behavior. She contends therefore that the registration had and has a valid purpose, that Respondent has legitimate interests in the domain name as it relates to the subject matter of the website (Stacey Soans), and has neither been registered or used in bad faith.

- **Remedy Sought**

The Complainant requests the Domain Name be transferred to her.

#### **4. DISCUSSION AND FINDINGS**

##### **4.1 Requirements**

In accordance with Paragraph 4 of the Policy, the onus is on the Complainant to prove that:

1. the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the Domain Name; and
3. the Domain Name has been registered and is being used in bad faith.

The Panel will consider each of these requirements in turn.

##### **4.2 Analysis**

###### **4.2.1 The Domain Name is Identical or Confusingly Similar to a Mark in which the Complainant has Rights**

Although it is self-evident that the Disputed Domain Name is identical to Complainant's personal name, the Panel must first consider whether Complainant's personal name arises to the level of a trademark or service mark in which she has rights, as required by paragraph 4(a)(i) of the Policy. Complainant's arguments rely solely on common law trademark rights, as Complainant cites no relevant trademark registrations.

As set forth in section 1.5 of WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), "Where a personal name is being used as a trademark (i.e., as a source-identifier in trade or commerce), the complainant may be able to establish unregistered or common law rights in the name for purposes of standing to file a UDRP case where the name is used in commerce as a distinctive identifier of the complainant's goods or services."

Further, as set forth in section 1.3 of WIPO Overview 3.1:

To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of the use of the mark (which may include social media presence and engagement), (ii) the amount of sales under the mark and during which time period, (iii) the nature and extent of advertising using the mark – including evidence of expenditures over a relevant time period, (iv) the degree of actual public (e.g., consumer, industry such as trade and professional associations, media) recognition, and (v) consumer surveys. The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or other instruments) may also support the complainant's assertion and evidence that its mark has achieved significance as a source identifier.

The claimed mark must also be used as a source identifier of goods or services e.g., on a website or on products or packaging used in commerce, provided that the mark, as used, is linked to the goods or services that are being branded with the mark; this may include use by the complainant on letterhead or invoices or email headers and signatures....

Specific evidence including for example documented evidence of figures relating to sales, marketing, and/or social media endorsements supporting assertions of acquired distinctiveness should be included in the complaint; conclusory allegations of unregistered or common law rights, even if undisputed in the particular UDRP case, would not normally suffice to show secondary meaning.

In support of her arguments for establishing common law trademark rights in her personal name, Complainant has provided an affidavit that describes her work as a model and a golf influencer, along with 13 exhibits. However, the exhibits are of limited value, as they do little, if anything, to show whether Complainant has used her name as a trademark. For example, some of the exhibits do not even include the Complainant's name whatsoever, such as modeling photos of Complainant. Other exhibits do not show the Complainant's name being used as a trademark, such as one that is nothing more than a search term, another that is simply a contract, one that is a referral letter addressed "To Whom It May Concern" and another that lists Complainant's name as the author of a book. Others, such as a "digital comp card," include Complainant's name but do not specify where or how they have been displayed, published or distributed (if at all).

The only evidence that the Panel considers potentially relevant for establishing common law trademark rights are what Complainant describes as "a screenshot of the flyer for the golf lessons that I offered" at a club in 2022; and screenshots of Complainant's social media accounts for Instagram (username "stacey.soans") and LinkedIn (username "staceysoans"). However, Complainant has provided no information about where or for how long the flyer was displayed and whether Complainant generated any business as a result of the flyer. And the social media screenshots provided by Complainant consist solely of photographs and do not purport to be associated with the sale, or offer for sale, of any particular goods or services.

The Panel is mindful that, as Complainant states and as WIPO Overview 3.1 makes clear, individuals may obtain common law trademark rights in their names. However, the decisions cited by Complainant are inapplicable here and, in some cases, involve names of very well-known individuals, such as comedian and



former host of the Tonight Show (for 17 years) Jay Leno. Clearly, Complainant is not a celebrity whose name has acquired such fame.

For example, Complainant cited *Margaret C. Whitman v. Domains For Sale*, Case No. D2008-1534 for the proposition that “in cases involving entertainers, authors, professional athletes and to a lesser extent business persons, complainants have been found to have common law marks in their names in circumstances where the name has been used as a marketable commodity, for a fee to promote another's goods or services, or for direct commercial purposes in the marketing of the complainant's own goods or services.” However, in that case, the panel cautioned that “[m]erely having a ‘famous’ name is not sufficient to establish common law trademark or service mark rights in the name” and that “[t]he Policy itself inherently makes a distinction between the protection afforded trademark rights and rights arising under the law of publicity.” As a result, the decision concluded that the complainant had “failed on the record before this Panel to demonstrate common law service mark rights in her personal name.”

As another panel wrote:

The assertion that someone is well known or famous is subjective, but certainly easier to prove in the case of celebrities known worldwide such as Nicole Kidman and Julia Roberts and in the Complaints concerning these celebrities such assertions were also evidenced and thus clearly proven. However when someone has a lesser degree of renown, there is a greater need for this evidence, and thus in the view of the Panel, the lesser the degree of fame the greater the evidential burden becomes. One might say that the level and quality of the evidence necessary should be inversely proportional to the notoriety of the person concerned. In any event it needs to be clear, cogent and convincing.

*Fox News Network, L.L.C. v. C&D International Ltd. and Whois Privacy Protection Service.*, WIPO Case No. D2004-0108.

With no disrespect toward Complainant, she is certainly not a celebrity known worldwide, so the evidence must be “clear, cogent and convincing” – which it is not. Complainant has simply not provided evidence demonstrating use of her personal name as a source identifier of goods or services sufficient to establish trademark rights under the Policy. There is a difference between rights in a person's persona (such as name, image, likeness licensing), including gaining business from being known as a service provider, and the trademark rights that accrue from using a personal name as a brand. Brands usually function as adjectives to modify goods and/or services to show source and quality. That is contrasted with a name that attracts clients to a good or service because they want to purchase those services, such as to (as here) take lessons from the named person or hire the named person as a model. The evidence presented for a UDRP complaint to succeed must be in the form of trademark use, not personality rights use. Accordingly, Complainant has failed to establish the first element of the Policy

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

Because Complainant bears the burden of proving each of the elements under paragraph 4(a) of the Policy, and the Panel has concluded above that Complainant has not prevailed under paragraph 4(a)(i), it is unnecessary for the Panel to consider Complainant's arguments under paragraphs 4(a)(ii) for purposes of this decision.

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

Because Complainant bears the burden of proving each of the elements under paragraph 4(a) of the Policy, and the Panel has concluded above that Complainant has not prevailed under paragraph 4(a)(i), it is unnecessary for the Panel to consider Complainant's arguments under paragraphs 4(a)(iii) for purposes of this decision.

### 5. DECISION and ORDER

For the above reasons, in accordance with Paragraph 4 of the Policy, Paragraph 15 of the Rules, and Rule 10 of the Supplemental Rules, and the Panel having found that Complainant failed to establish the first of the three elements required to be proven under the Policy, the Panel concludes that the relief requested must be, and it is hereby, **DENIED**

Made as of August 11, 2026

SIGNATURE OF PANEL

Melvyn J. Simburg, Chair

Douglas M. Isenberg

Ganna Prokhorova