



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE ADMINISTRATIVE PANEL DECISION

CIIDRC case number:	27497-CDRP	Decision date: September 8, 2026
Domain Name:	pensionbc.ca (the “Domain Name”)	
Panel:	James Plotkin, Q.Arb	
Complainant:	British Columbia Pension Corporation	
Complainant's representative:	Mark Fancourt-Smith (Lawson Lundell LLP)	
Registrant:	Mike Morgan	

1. PROCEDURAL HISTORY

This matter is conducted pursuant to the Canadian Dispute Resolution Policy (the “**CDRP**”) and the Canadian Dispute Resolution Rules (the “**CDRP Rules**”) of the Canadian Internet Registry Authority (“**CIRA**”).

The procedural history was set out in a letter from the Canadian International Internet Dispute Resolution Centre (“**CIIDRC**”) to the Panel. In summary:

1. On July 14, 2026, Mark Fancourt-Smith of Lawson Lundell LLP filed a Complaint on behalf of the Complainant, the British Columbia Pension Corporation, pursuant to the CDRP and the CDRP Rules.
2. On July 23, 2026, the Complainant advanced the administrative fee. The complaint was then assessed for and deemed to be in administrative compliance with CDRP Rule 3.2.
3. On July 23, 2026, the CIIDRC notified CIRA of this proceeding. On the same day, CIRA transmitted CIIDRC its verification response identifying the Registrant as Mike Morgan. CIRA also confirmed that the Domain Name was placed on a Registrar LOCK. CIRA confirmed the Domain Name’s registration date as August 11, 2010.
4. Pursuant to CDRP Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding and forwarded him the Notice of Complaint along with the Complaint on July 28, 2026.

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5. In accordance with the CDRP Rules, the deadline for the Registrant to file a response was August 17, 2026. He did not comply. As of the date of the Panel's appointment, the Registrant has not submitted a response.
6. The Complainant has elected for a Panel consisting of a single member. I was appointed as the Panel on August 28, 2026.

2. THE PARTIES' CONTENTIONS

A. Complainant

7. In summary, the Complainant's evidence and submissions are as follows:

The Complainant and the Mark

- a. The Complainant is a public agency created pursuant to the *Public Sector Pension Plans Act*, SBC 1999, c 44. The Complainant explains its mandate as providing pension plan administration services to the Public Service, Municipal, Teachers', College, and WorkSafeBC Pension Plans and ensuring these plans adhere to the applicable legal standards.
- b. The Complainant bases its Complaint on its service mark, which is also its website: pensionsbc.ca (the "**Mark**").

Confusing similarity between the Domain Name and the Mark

- c. The Domain Name is confusingly similar to the Mark because it is identical except that it uses the singular "pension" rather than the plural "pensions".
- d. The Domain Name was designed to capture users who mistype the Complainant's domain name.
- e. The Domain Name's proximity to the Mark gives it an air of authenticity and increases the likelihood that a user would mistake it for the Complainant's legitimate domain. Indeed, as explained below, there is some evidence of actual confusion.

Legitimate interest and bad faith registration

- f. The Domain Name is not used in connection with any *bona fide* offering of goods or services.
- g. A registrant's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the mark's owner.
- h. The Domain Name is an example of typosquatting.
- i. The Domain Name creates a high risk of false association with the Complainant and also attempts to capitalize on a particularly likely misspelling of the Complainant's Domain Name (the Mark) in order to increase the probability of attracting users in error.

- j. The Domain Name is being used in connection with an apparent scam, wherein users who are drawn to the Infringing Website due to its similarity to the Complainant's official website are then solicited for their personal and payment information.
- k. Between 2020 and 2025, the Complainant received several complaints from its plan members reporting a website at the Domain Name, that appeared to impersonate the Complainant in the nature of a typosquatting scheme and fraud. The Complainant provided copies of messages that it says it received from those plan members.¹
- l. The Complainant asserts that, in at least one instance in September 2025, a plan member mistakenly navigated to the Domain Name and was duped by an alleged agent named "CPA-agent" into providing credit card information and other personal information. The plan member's credit card was subsequently charged.
- m. The website hosted at the Domain Name contains information related to the Complainant's business. It displayed information under headings such as "How to Access Your BC Pension Services", "Understanding the Major BC Pension Plans" and "Setting Up Your Online Member Account". However, the Registrant had no affiliation whatsoever with the Complainant. The website hosted at the Domain Name was not created with the Complainant's knowledge or consent.
- n. The Registrant has created a false sense of association with the Complainant by: 1) mimicking the Complainant's service mark and official website domain; 2) setting up the Infringing Website which purports to impersonate the Complainant and its services; and 3) inviting the Complainant's plan members to input sensitive information, including credit card details.

B. Registrant

- 8. As noted, the Registrant failed to respond by the deadline in the CDRP Rules, or at all. He did not seek an extension of time.

C. Remedy Sought

- 9. The Complainant seeks an order to have the Domain Name transferred.

3. DISCUSSION AND FINDINGS

- 10. Although the Registrant did not respond to the Complaint, the Complainant must still establish eligibility under the CPR, and meet the three-part test set out in CDRP paragraph 3.1.
- 11. The Complainant meets the CPR. It has also made out all three prongs of the test set out in CDRP paragraph 3.1. As such, the Complaint will be allowed. The Panel will address the CPR and each of the CDRP paragraph 3.1 requirements in turn.
- 12. The Panel notes that the Complainant's submissions were streamlined and well-articulated. The Complainant also followed the best practice of filing sworn/affirmed evidence, though

¹ Personal information was redacted.

mostly on information and belief.² Although the screenshots of the Domain Name relied upon did not contain header information or otherwise provide a basis for verifying the date on which they were taken, the affidavit that attached them identified the precise url and date associated with the exhibited screenshot.

A. Eligibility

13. The Complainant meets the CPR.
14. The CPR enumerates several grounds upon which a complainant may establish standing. The Complainant relies on CPR paragraph 2(p): “Her Majesty the Queen in right of Canada, a province or a territory; an agent of Her Majesty the Queen in right of Canada, of a province or of a territory; a federal, provincial or territorial Crown corporation, government agency or government entity; or a regional, municipal or local area government.”
15. The Complainant is an administrative body established and continued by the *Public Sector Pension Plans Act*, SBC 1999, c 44. The Complainant thus falls within the definition of “government agency”. Accordingly, the Complaint is admissible.

B. CDRP Requirements

16. In accordance with CDRP paragraph 3.1, the Complainant must show:
 - a. The Domain Name is Confusingly Similar to a trademark or service mark in which the Complainant has rights predating the Domain Name’s registration, and that it continues to have such rights;
 - b. The Registrant has no legitimate interest in the Domain Name; and
 - c. The Domain Name was registered in bad faith.
17. The Complainant bears the onus of proving that the Domain Name is confusingly similar and was registered in bad faith. It must also provide “some evidence” that the Registrant lacks a legitimate interest in the Domain Name [**CDRP paragraph 4.1**]. The onus then shifts to the Registrant to prove a legitimate interest [**ibid.**].

C. Analysis

1. The Domain Name is Confusingly Similar to a Mark in which the Complainant has Rights
18. On the first limb of the analysis, the Complainant must establish two things: 1) that it has active rights to a “Mark” preceding the Domain Name’s registration; and 2) that the Domain Name is confusingly similar to that “Mark”.

² As explained below, this led the Panel to conclude that the evidence on one point was sufficient to meet the “some evidence” threshold under the legitimate interest prong of the test, but did not establish bad faith registration on a balance of probabilities.

19. CDRP paragraph 3.2 defines “Mark”, *inter alia*, as follows:

(a) a trade-mark, including the word elements of a design mark, or a trade name that has been used in Canada by a person, or the person’s predecessor in title, for the purpose of distinguishing the wares, services or business of that person or predecessor or a licensor of that person or predecessor from the wares, services or business of another person;

...

(c) a trade-mark, including the word elements of a design mark, that is registered in CIPO.

20. CDRP paragraph 3.3 states that 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.”

21. CDRP paragraph 1.2 clarifies that the “.ca” suffix is excluded from the confusion analysis. That the Complainant does not possess trademark registrations or common law trademark rights including “.ca” is therefore irrelevant to the analysis.

22. The Complainant meets the first prong.

23. The evidence shows that the Complainant’s rights in the Mark pre-date the Domain Name.

24. The Complainant has established use since 2002, which is when it registered its <pensionsbc.ca> domain name. That domain name remains active. The Complainant also attached a copy of its 2002 annual report, which makes three references to its domain name. The Panel is satisfied that this evidence establishes sufficient active rights predating the Domain Name, which was registered in 2010.

25. The Domain Name is also confusingly similar to the Mark. The Mark, “pensionsbc” is virtually identical to the Domain Name save the pluralization of the word pension. The additional “s” does not prevent the Domain Name from being confusingly similar to the Mark. As explained more fully below, this is a clear-cut case of typosquatting, an abusive domain name practice that relies on confusing similarity with a complainant’s mark.

26. In light of the foregoing, the Panel is satisfied that the Complainant has met the threshold under CDRP paragraph 3.1(a) on a balance of probabilities in respect of the Domain Name.

2. The Registrant has no Legitimate Interest in the Domain Name

27. As noted, the CDRP places the initial onus on the Complainant to establish that the Registrant lacks a legitimate interest in the Domain Name. Given the difficulty inherent in proving a negative, particularly in this summary process, the CDRP only requires the Complainant to lead “some evidence” sufficient to establish a lack of legitimate interest. The Registrant may then attempt to rebut that evidence by establishing a legitimate interest on a balance of probabilities [CDRP paragraph 4.1; [14541-CDRP \(calvinkleincanadaoutlet.ca\)](#), para. 53]. As the Registrant filed no submissions, the Complainant clears this limb if it meets the “some evidence” threshold.

28. CDRP paragraph 3.4 sets out a list of six “legitimate interests”:

- a. the domain name was a Mark, the Registrant used the Mark in good faith and the Registrant had Rights in the Mark;
- b. the Registrant registered the domain name in Canada in good faith in association with any wares, services or business and the domain name was clearly descriptive in Canada in the English or French language of: (i) the character or quality of the wares, services or business; (ii) the conditions of, or the persons employed in, production of the wares, performance of the services or operation of the business; or (iii) the place of origin of the wares, services or business;
- c. the Registrant registered the domain name in Canada in good faith in association with any wares, services or business and the domain name was understood in Canada to be the generic name thereof in any language;
- d. the Registrant used the domain name in Canada in good faith in association with a non-commercial activity including, without limitation, criticism, review or news reporting;
- e. the domain name comprised the legal name of the Registrant or was a name, surname or other reference by which the Registrant was commonly identified; or
- f. the domain name was the geographical name of the location of the Registrant’s non-commercial activity or place of business.

29. CDRP paragraph 3.4’s list is non-exhaustive. However, given the Registrant did not respond, the Complainant’s submissions and evidence on several of the listed legitimate interest factors is enough to discharge the low “some evidence” threshold.

30. On the evidence before me, I agree with the Complainant that the Registrant lacks a legitimate interest in the Domain Name, and it has furnished at least “some evidence” to support this conclusion.

31. The Domain Name hosts a website that contains general information about pension programs in British Columbia as well as various pay-per-click links. There is also some evidence that, at least in one instance, one of the Complainant’s clients was defrauded by a chat agent he or she encountered after clicking one of these links. Were it not for the evidence of malicious links, the Panel would not have found the content of the website hosted at the Domain Name to show a lack of legitimate interest. That evidence meets the “some evidence” standard, and the Registrant has not rebutted it. As explained below, the evidence of fraudulent activity would not meet the balance of probabilities standard, in the Panel’s view. However, the evidence provided discharges the Complainant’s onus at this stage.

32. Although these findings are sufficient, the Panel also agrees that the Domain Name is a clear-cut instance of typosquatting, a practice whereby a registrant registers a domain name that is one character off from a complainant’s mark in the hopes of diverting traffic from the Complainant’s domain. This evidences a lack of legitimate interest.

3. The Registrant Registered the Domain Name in Bad Faith

33. CDRP paragraph 3.5 outlines four circumstances demonstrating bad faith registration:

- a. The Registrant registered the domain name, or acquired the Registration, primarily for the purpose of selling, renting, licensing or otherwise transferring the Registration to the Complainant, or the Complainant's licensor or licensee of the Mark, or to a competitor of the Complainant or the licensee or licensor for valuable consideration in excess of the Registrant's actual costs in registering the domain name, or acquiring the Registration;
- b. The Registrant registered the domain name or acquired the Registration in order to prevent the Complainant, or the Complainant's licensor or licensee of the Mark, from registering the Mark as a domain name, provided that the Registrant, alone or in concert with one or more additional persons has engaged in a pattern of registering domain names in order to prevent persons who have Rights in Marks from registering the Marks as domain names;
- c. The Registrant registered the domain name or acquired the Registration primarily for the purpose of disrupting the business of the Complainant, or the Complainant's licensor or licensee of the Mark, who is a competitor of the Registrant; or
- d. The Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

34. These are examples and do not constitute an exhaustive list of situations evidencing bad faith registration.

35. The Complainant focused most of its submissions on CDRP paragraphs 3.5(c) and (d). The Panel accepts those submissions.

36. The Complainant's evidence shows that the Registrant has attempted to piggyback on the Complainant's goodwill and Mark by creating a false association with the Complainant.

37. The Complainant argues that the Registrant registered the Domain Name "in order to impersonate the Complainant and engage in fraud targeting the Complainant's plan members and members of the public". Although the evidence of fraudulent activity was enough to meet the "some evidence" standard under the legitimate interest prong, the Panel is unable to conclude that it demonstrates bad faith registration on a balance of probabilities for two reasons.

38. First, the evidence is cryptic. The following screenshot is the only evidence tendered to support the allegation that one of the Complainant's clients was defrauded:

mci regarding pens
 mbr got scammed at mpp.pensionbc.ca and got charged on cc
 adv to call bank and block card and get reissued
 alerted to change email pwd as well if clicked on any link
 adv it is not correct web
 gave correct web for myA
 adv to register for myA
 took estim and RAp req
 adv 2 weeks timeline
 adv to print and complete app, submit via mYA
 adv 2 weeks to process after
 adv first pen end of Sept or mid of Oct

39. This cryptic message is double hearsay. It appears to be a message from one of the Complainant's clients to a customer service representative. This is the first layer of hearsay. The affidavit filed with the Complaint that attaches this screenshot is affirmed by a law clerk, the second level of hearsay. It is unclear why the Complainant did not at least furnish a statement from the customer service representative who fielded the complaint. This would have made the evidence more probative. There is also no evidence on the record showing what steps, if any, the Complainant took to validate the truth of this complaint. Whether the Panel would have taken it at face value, if deposed to by the customer service representative, is a close call. In any event, the Panel cannot find this evidence establishes bad faith registration on a balance of probabilities.
40. Another problem with relying on this single alleged instance of fraud is that it seems to have occurred some 15 years after the Domain Name was registered. There is no evidence as to whether the individual who allegedly perpetrated the fraud was the Registrant or was someone affiliated with him. If the evidence showed a pattern of fraudulent conduct, the Panel would be more inclined to draw an inference that the Domain Name's purpose was to perpetrate a scam, as the Complainant argues. But that is not the case.
41. The Panel nevertheless finds that the Domain Name was registered in bad faith. Again, this is an obvious instance of typosquatting. This, together with the presence of pay-per-click links, is enough to demonstrate bad faith within the meaning of CDRP art. 3.5(d). The content of the website hosted at the Domain Name relates to the Complainant's services. It does not link to the Complainant's actual website. This makes it likely that the Registrant's intention was to syphon off traffic destined for the Complainant to earn pay-per-click revenue by creating the false appearance of an affiliation with the Complainant and its Mark.
42. In light of the foregoing, the Panel finds the Complainant has established, on a balance of probabilities, that the Domain Name was registered in bad faith.

DECISION AND ORDER

43. For the above reasons, the Panel **ALLOWS** the Complaint and **ORDERS** the Domain Name transferred to the Complainant.

Made at Ottawa, Ontario on September 8, 2026

PANEL SIGNATURE

A handwritten signature in black ink is written over a rectangular area filled with a grid of 'X' characters. The signature appears to be 'James Plotkin'.

James Plotkin, Q.Arb

