



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	27500-CDRP	Decision date: September 18, 2026
Disputed Domain Names:	marchelevator.ca; marchelevators.ca	
Panel:	R. John Rogers	
Complainant:	March Elevator Limited	
Registrant:	Bogdan Rus Element Elevators Inc.	

1. OVERVIEW

This matter concerns the registered domains, <marchelevator.ca> and <marchelevators.ca> (the “Domain Names”).

This matter is a proceeding under the Canadian Dispute Resolution Policy (the “Policy”) and the Canadian Dispute Resolution Rules (“Rules”) of the Canadian Internet Registry Authority (“CIRA”). The Canadian International Internet Dispute Resolution Centre (“CIIDRC”) is a recognized service provider to CIRA for disputes arising under the Policy.

2. PROCEDURAL HISTORY

On July 21, 2026 the Complainant filed a complaint (the “Complaint”) with CIIDRC. In the Complaint, the Complainant sought an order in accordance with the Policy and the Rules directing that the registration of the Domain Names be transferred to the Complainant.

CIIDRC determined the Complaint to be in administrative compliance with the requirements of the Policy and the Rules and, pursuant to Rule 4.4, notified the Registrant of the Complaint on July 22, 2026. This notification advised the Registrant that in accordance with Rule 5.1 that he had until August 11, 2026 to file his response to the Complaint.

A representative of the Registrant on July 23, 2026 advised CIIDRC that “the domain holder has no interest in contesting this matter and has always been prepared to voluntarily transfer the subject domain names”. Following this communication, CIIDRC put this matter on hold in order to permit the parties to settle their negotiations with respect to the Domain Names, but on August 19, 2026, Counsel for the Complainant contacted CIIDRC and requested that, as no Response had been filed, that this matter move ahead with the appointment of a single-member panel

By way of an emailed letter dated September 2, 2026, the undersigned was selected as the Single Member Panel (the “Panel”) to determine this matter. The undersigned has confirmed to CIIDRC that he can act impartially and independently as the Panel in this matter.

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

3. FACTS ALLEGED BY THE PARTIES

3.1 The Complainant

The facts alleged by the Complainant in the Complaint might be summarized as follows:

1. The Complainant is an Ontario corporation which operates in the Greater Toronto Area in the business of elevator maintenance, service, repair, upgrades and modernization programs, which business was originally founded in 1961.
2. In its business to distinguish itself from its competitors in the marketplace the Complainant uses the two common law trademarks “March Elevator” (the “Mark”) and “March Elevator Services” (the “Services Mark”). Under the Services Mark the Complainant offers a variety of services including monthly maintenance programs for commercial building elevators, safety and operational analyses for elevators, 24-hour on-call elevator servicing, elevator repair and installation services, elevator modernization, elevation inspection services for compliance with regulatory requirements, together with elevator consulting services.
3. As the Mark is the Complainant’s trade name, it is prominently displayed across the Complainant’s website and marketing materials and is visible on consumer-facing documents such as brochures, promotional material used at trade shows, price quotes, proposals, agreements, invoices, compliance reports, and company memorabilia created and used by the Complainant in the ordinary course of its business. Further, the Mark is prominently displayed on uniforms worn by elevator technicians, on company vehicles, temporary barrier walls used to isolate construction work, and on the Complainant’s corporate head office.
4. In addition, the Complainant actively promotes and advertises the Mark in association with the Services Mark through its social media feeds such as Facebook, Instagram and LinkedIn.
5. Until at least 2016, the Complainant used the domain name <marchelevator.ca> (the “First Name”) which until that date resolved to the Complainant’s website. On May 4, 2026, the Complainant registered the domain name <march-elevator.ca> (the “Second Name”) and since the registration of

the Second Name, it is the Second Name rather than the First Name which resolves to the Complainant's website (the "Complainant's Website").

6. At some point between March 5, 2016 and August 13, 2021, the Complainant's registration of the First Name lapsed.
7. The Domain Names were both registered by the Registrant on August 13, 2021 and were both updated on August 14, 2025.
8. Since 2016, the Registrant has offered the same services as the Complainant and the Registrant competes directly with the Complainant in the Greater Toronto Area.
9. Since at least August 13, 2021, the domain name <marchelevator.ca> has resolved to the Registrant's website at the website www.element.ca (the "Registrant's Website") with the domain name <marchelevators.ca> resolving to the Registrant's Website since at least 2024.

3.2 The Registrant

The Registrant has not filed a Response.

4. CONTENTIONS OF THE PARTIES

4.1 The Complainant

The Complainant submits that it has developed substantial goodwill and a significant degree of distinctiveness through its extensive and longstanding use of the Mark and the Services Mark in over the 60 years the Complainant has offered elevator maintenance, service, repair, upgrades and modernization programs to customers across the Greater Toronto Area with its revenues in connection therewith during the 2025 fiscal year exceeding \$20 million.

The continued use by the Complainant of the Mark and the Services Mark and the resulting goodwill predates the registration of the Domain Names by sixty years.

The Complainant submits that the fact of the Registrant registered and updated both Domain Names on the same dates exhibits a pattern of registering the Domain Names to prevent the Complainant from registering them and that such actions constituting a blatant attempt by the Registrant to divert for commercial gain internet traffic destined for the Complainant's Website.

4.2 The Registrant

As above referenced, the Registrant would appear to have no interest in this matter and claims to have been prepared to voluntarily transfer the Domain Names to the Complainant.

4.3 The Remedy Sought

The Complainant requests the Domain Names be transferred to it.

5. DISCUSSION AND FINDINGS

5.1 Eligibility

Paragraph 1.4 of the Policy requires that in order to initiate the Complaint, the Complainant, at the time of the initiation of the Complaint, must satisfy the Canadian Presence Requirements for Registrants v 1.3 (“Canadian Presence Requirements”).

Paragraph 2(4) of the Canadian Presence Requirements provides that if a complainant is a corporation incorporated under the laws of Canada or any province or territory of Canada it has satisfied the Canadian Presence Requirements.

The Panel finds that the Complainant as a corporation incorporated under the laws of the Province of Ontario has met this requirement and, therefore, has satisfied the Canadian Presence Requirements.

5.2 The Policy

The purpose of the Policy, as stated in Paragraph 1.1 of the Policy, is to provide a forum in which cases of bad faith registration of .ca domain names can be dealt with relatively inexpensively and quickly.

Paragraph 4.1 of the Policy puts the onus on the Complainant to demonstrate this “bad faith registration” by proving on a balance of probabilities that:

1. The Mark qualifies as a “Mark” as defined in Paragraph 3.2 of the Policy,
2. the Complainant had “Rights” in the Mark prior to the date of registration of the Domain Name and continues to have “Rights” in the Mark,
3. the Domain Name is “Confusingly Similar” to the Mark as the concept of “Confusingly Similar” is defined in Paragraph 3.3 of the Policy,
4. The Registrant does not have a “legitimate interest” in the Domain Name as the concept of “legitimate interest” is defined in Paragraph 3.4 of the Policy, and
5. the Registrant has registered the Domain Name in “bad faith” in accordance with the definition of “bad faith” contained in Paragraph 3.5 of the Policy.

If the Complainant is unable to satisfy this onus, bad faith registration is not demonstrated, and the Complaint fails.

4.3 **That the Domain Names are Confusingly Similar to a Mark in which the Complainant has Rights**

Mark

In the matter at hand, the relevant portions of Paragraph 3.2 of the Policy states that for the purpose of the Policy a “Mark” is:

- (a) trademark, 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;

The Panel finds that the Complainant has established that the Mark and the Services Mark serve to meet the obligation on the Complainant to establish that it owns a “Mark” for the purposes of Paragraph 3.2(a) of the Policy.

Rights

Paragraph 3.1 of the Policy requires that the Complainant has “Rights” in the Mark. Unfortunately, the term “Rights” is not defined in the Policy.

The Panel finds that there is clear evidence before the Panel of the Complainant’s ownership and use in Canada of the Mark and the Services Mark in carrying on business in Canada, and the Panel, therefore, finds that the Complainant has “Rights” in the Mark and the Services Mark for the purpose of Paragraph 3.1 of the Policy.

Confusingly Similar

The Policy in Paragraph 3.3 provides that the Domain Name will be found to be “Confusingly Similar” to the Mark only if the Domain Name so nearly resembles the Mark and the Services Mark in appearance, sound or the ideas suggested by the Mark or the Services Mark as likely to be mistaken for the Mark or the Services Mark.

As Paragraph 1.2 of the Policy defines the Domain Name for the purpose of this proceeding to exclude the .ca suffix, the portion of the Domain Names consisting of the words “March Elevator” or “March Elevators” are the portion of the Domain Names relevant for consideration.

The test to be applied when considering confusing similarity is one of first impression and imperfect recollection. Will a person as a matter of first impression, knowing only the Mark and/or the Services Mark, and having imperfect recollection of the Mark and/or Services Mark, likely mistake one or both of the Domain Names for the Mark or the Services Mark based upon the appearance, sound or the idea suggested by the Mark or the Services Mark?

The Panel finds that the Complainant has met the onus placed upon it by Paragraph 3.3 of the Policy and has demonstrated that the Domain Names so nearly resemble the Mark and the Services Mark in appearance, sound or the ideas suggested by the Mark and the Services Mark as to be likely to be mistaken for either the Mark or the Services Mark or both.

4.4 The Registrant Has No Legitimate Interest in the Domain Names

Paragraph 4.1 of the Policy requires that to succeed in the Complaint, the Complainant must provide some evidence that the Registrant has no legitimate interest in the Domain Names as the concept of “legitimate interest” is provided for in Paragraph 3.4 of the Policy.

Paragraph 3.4 of the Policy provides that a registrant will have a legitimate interest in a domain name if:

- 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 used 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 used 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.

In Paragraph 3.4(d) “use” by the Registrants includes, but is not limited to, use to identify a website.

It is to be noted that with respect to the matter at hand, in Paragraphs 3.4(a), (b), (c), and (d), there is a requirement that the Registrant act “in good faith”. There is no evidence before the Panel that the Registrant used either of the Domain Names in good faith. Rather, as noted below, there is a very strong suggestion in the evidence before the Panel that the Registrant uses the Domain Names for the purpose of trading off the goodwill of the Complainant by having the Domain Names resolve to the Registrant’s Website and thereby attempting to convince parties attempting to communicate with the Complainant that they were, in fact dealing with the Complainant.

Therefore, the provisions of these paragraphs do not apply.

The Registrant’s name is not included in either of the Domain Names, nor does either of the Domain Names include a geographical reference to the location of the Registrant’s non-commercial activity or place of business. Therefore, the provisions of Paragraph 3.4(e) and Paragraph 3.4(f) do not apply.

The Panel finds that the Complainant has provided some evidence that the Registrant has no legitimate interest in the Domain Names.

4.5 That the Registrant Has Registered the Domain Names in Bad Faith

Under Paragraph 3.5 of the Policy, the Registrant will be considered to have registered or acquired the Domain Names in bad faith if, and only if, the Complainant can demonstrate that the Registrant in effecting the registration of the Domain Names was motivated by any one of the four general intentions set out in Paragraph 3.5.

Of these four intentions, the form of intention contained in Paragraph 3.5(d) is the one which appears to be the most applicable to the matter at hand.

Paragraph 3.5(d) provides as follows:

- (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.

The Panel finds that the unrefuted evidence before it clearly demonstrates that the Registrant intentionally attempts to attract for commercial gain internet users to the Registrant’s Website by creating a likelihood of confusion with the Mark and/or the Services Mark as to the source, sponsorship, affiliation or endorsement of the Registrant’s Website.

Based upon the clear evidence before it, the Panel finds that the Registrant registered the Domain Names in bad faith.

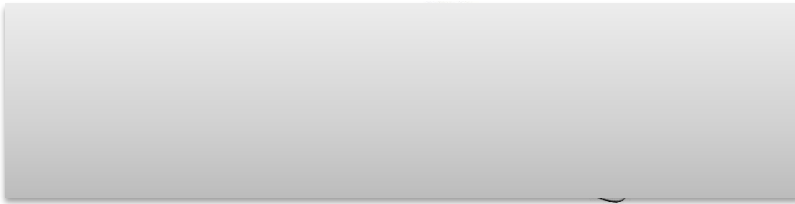
6. DECISION and ORDER

Decision and Order on the Domain Name

For the above reasons and given that the Registrant has advised CIIDRC that it has no interest in contesting this matter and has always been prepared to voluntarily transfer the Domain Names to the Complainant, in accordance with Paragraph 4 of the Policy and Paragraph 12 of the Rules the Panel orders that the domain names, <marchelevator.ca> and <marchelevators.ca> be transferred to the Complainant.

Made as of September 18, 2026

SIGNATURE OF PANEL



R. John Rogers

