CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	**27714-CDRP**	Decision date: **September 29, 2026**
Disputed Domain Name:	**<heubc.ca>**	
Panel:	**Claude Freeman (Chair), James Plotkin, Q. Arb., Carol Roberts**	
Complainant:	**Hospital Employees' Union**	
Registrant:	**Jessie Bains**	

1. OVERVIEW

This matter concerns a registered domain, **<heubc.ca>** (the "Domain Name").

This matter is a proceeding under the Canadian Dispute Resolution Policy ("CDRP") 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 the CIRA Domain Name Dispute Resolution Policy (the "Policy") of the Canadian Internet Registration Authority ("CIRA").

2. PROCEDURAL HISTORY

Particulars of the Proceeding

1. On August 5, 2026, Kristen Taylor of Lawson Lundell LLP, filed a Complaint on behalf of the Complainant, Hospital Employees' Union, pursuant to the Canadian Dispute Resolution Policy ("CDRP") and the Resolution Rules. The Complaint was found to be in administrative compliance with the requirements of the Canadian Internet Registration Authority ("CIRA") under Rule 3.2. The required commencement fee was received on August 10, 2026.

2. CIRA was notified of the proceeding on August 10, 2026, and on August 12, 2026, CIRA transmitted its verification response, confirming that Jessie Bains is the Registrant of the disputed domain name (the "Disputed Domain Name"). CIRA further confirmed that the Disputed Domain Name had been placed on Registrar LOCK status.

3. Pursuant to Resolution Rule 4.4, CIIDRC formally notified the Registrant of the present administrative proceeding and forwarded to the Registrant a Notice of Complaint together with a copy of the Complaint on August 12, 2026.

4. On August 27, 2026, the Registrant filed a Response to the Complaint

5. The Complainant paid the required Panel fee on September 3, 2026.

Panel Appointment

6. Pursuant to Paragraph 6 of the Resolution Rules, the Provider shall appoint a three-member Panel, having regard to the nominees proposed by the Parties and shall designate one Panelist to serve as Chair.

7. CIIDRC names **James Plotkin, Q. Arb.** and **Carol Roberts** as panelists. **Claude Freeman** is named as Chair of the Panel. The panelists accepted their appointments and confirmed their impartiality and independence as required under Paragraph 7 of the Resolution Rules. 3. Absent exceptional circumstances, and pursuant to Resolution Rule 12.2, the Panel shall have until September 25, 2026, for the delivery of its decision.

8. The Domain Name was registered on March 22, 2025.

3. BACKGROUND

Complainant

9. The HEU is a health care union recognized by the British Columbia Labour Relations Board that represents members working in British Columbia's health care system for public, non-profit, and private employers.

10. The Complainant registered the domain name "heu.org" on October 24, 1997, for the purpose of hosting the Complainant's official website. The domain registration for "heu.org" remains active to date and expires on October 23, 2034.

11. The Complainant has made continuous use of "HEU" as a service mark and distinctive identifier of its business since as early as 1972.

12. The Complainant's use of "HEU" in the course of its business has been more particularly summarized as follows in their Complaint.

13. The Complainant has also continuously used the "heu.org" domain for its email communications. Since at least 1998, and at all material times since, the Complainant's business and employee email addresses have used the domain "@heu.org" in the ordinary course of the Complainant's business.

14. The Complainant's longstanding use of the "@heu.org" email is reflected in its various publications over the years. For example, a 1998 issue of The Guardian publishes the contact information for the HEU's provincial office, which includes a "@heu.org" email and the "heu.org" website. Similarly, the current "heu.org" website's contact page lists emails for some of the Complainant's personnel, all of which use email addresses in the "@heu.org" format.

15. Through over 50 years of continued use of "HEU" and over 25 years of continued use of the "heu.org" domain in the course of its business and operations, the Complainant has developed common law trade name rights in "HEU". The Complainant's longstanding and public-facing use of "HEU" has made it synonymous with the Complainant itself and reinforces the Complainant's common law rights in "HEU" as a service mark that persist to date.

Registrant

16. The Registrant's Response deals mainly with the three key tests of Confusingly Similar, Legitimate Interest, and Bad Faith in terms of Complaint success or failure and are more particularly summarized below in the section **Contentions of the Parties.**

17. The Registrant has made it patently clear in his Response to the Complaint that he registered the Domain Name following his termination of employment with HEU, and did so with advance notice to HEU. HEU was aware in advance of the Registrant's intentions of an impending Registration, but from the evidence submitted, HEU appears to have not taken any preventive steps against possible Mark infringement. The Registrant denies any competing commercial activity from same, since any linkage(s) to the Facebook/GoFund me campaign does not constitute any commercial activity with HEU.

4. CONTENTIONS OF THE PARTIES

- **Complainant**

18. The Complainant submits that the Registrant, Jessie Bains ("**Bains**" or the "**Registrant**"), has registered a domain that is nearly identical and confusingly similar to the Complainant's service mark and distinctive identifier, "HEU", in order to impersonate the Complainant and confuse the public, and specifically, Bains has done the following:

(a) registered the domain name "heubc.ca" (the "**Infringing Domain**") which is nearly identical and confusingly similar to the Complainant's domain name, "heu.org"; and

(b) operated a website at the Infringing Domain (the "**Infringing Website**") which:

(i) sets out the full extent of Bain's complaints and allegations against the Complainant; and

(ii) solicits donations from the public to help fund his broader campaign against the Complainant.

19. Bains has advised that he is the person who has registered the Domain Name and created the Website, and therefore he is the appropriate respondent in this complaint.

20. As well, the Complainant submits the following in respect of the three key tests of the Policy.

The Registrant's dot-ca domain name is Confusingly Similar to a Mark

21. The Domain Name so nearly resembles the Complainant's service mark in appearance and the ideas suggested by it that it is likely to be mistaken for the Complainant's mark. The Domain Name is therefore confusingly similar to the Complainant's mark within the meaning of paragraph 3.3 of the Policy.

22. The Complainant operates under the service mark "HEU" and uses the domain name "heu.org" as its principal online presence. The Registrant has registered and uses the domain name "heubc.ca" for the stated purpose of advancing his campaign against the Complainant.

23. Under the Policy, the top-level domains (.org and .ca) are disregarded when assessing confusing similarity. Therefore, the relevant comparison is between "heu" and "heubc".

24. The Domain Name wholly incorporates the Complainant's distinctive mark "HEU" as its dominant and leading element. The only difference is the addition of the letters "bc" which are commonly understood as an abbreviation for British Columbia.

25. Visually, "heubc" differs from "heu" only by the addition of two letters at the end of the mark. The Domain Name retains the entirety of the Complainant's mark and remains immediately recognizable as HEU. Phonetically, Internet users are likely to read the Domain Name as "HEU British Columbia" or "HEU BC", reinforcing an association with the Complainant rather than distinguishing the domain from it.

26. The dominant and distinctive portion of the Domain Name is therefore identical to the complainant's mark "HEU". The addition of a geographic abbreviation does not materially alter the impression created by the Domain Name, and instead increases the likelihood that users will believe the domain is owned, authorized, or operated by the Complainant.

The Registrant has no legitimate interest in the domain name

27. It does not appear that the Registrant has any legitimate right or interest in the Domain Name absent any intent to misleadingly divert the public, reap commercial gain, or tarnish the Complainant's service mark. Rather, it is being used to host the Website, publish false information about the Complainant and solicit donations via the GoFundMe page.

28. A registrant's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the mark's owner – the correlation between a domain name and the complainant's mark is often central to this inquiry. Panels have generally found that domain names which are identical or near identical to a complainant's mark carry a high risk of implied affiliation.

29. Even where a domain name consists of a service mark plus an additional term (at the second- or top-level), panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the mark's owner. Certain geographicterms (e.g., <trademark-usa.com>, or <trademark.nyc>) are seen as tending to suggest sponsorship or endorsement by the mark's owner.

30. Here, the Domain Name is nearly identical to the Complainant's service mark – it consists of the Complainant's exact service mark, "heu", plus a geographic suffix, "bc". Therefore, its registration cannot constitute fair use as it effectively impersonates or suggests some affiliation, sponsorship, or endorsement by the Complainant.

31. The Domain Name is also an example of typosquatting. Typosquatting, a type of cybersquatting, refers to abusive domain registrations that are deliberately designed to mimic another domain for deceptive purposes. Typosquatting is an indication of a lack of rights or legitimate interest in an impugned domain name.

32. The Domain Name is one such example of typosquatting. The Registrant has deliberately designed the domain "heubc.ca" to be confusingly similar to the Complainant's service mark, "HEU" and its registered domain name, "heu.org".

33. The Domain Name not only bears an impermissibly high risk of false association with the Complainant but also attempts to capitalize on a particularly likely misspelling of the Complainant's official website domain in order to increase the probability of attracting mistaken users. This type of contrived similarity is emblematic of typosquatting, which is inconsistent with the Registrant having rights or legitimate interests in the Domain Name.

The Website is not Legitimate Criticism

34. To the extent that the Website might criticize the Complainant, such criticism does not amount to fair use capable of supporting a claim to a legitimate interest under the Policy.

35. To support fair use under paragraph 3.4(d) of the Policy, a registrant's criticism must be non-commercial and genuine. A registrant cannot argue that its domain name is being used for genuine free speech purposes if the panel finds that, in reality, it is primarily a pretext for cybersquatting (or typosquatting, as addressed above), commercial activity, or tarnishment.

36. The Website does not constitute genuine non-commercial free speech. The Website is not merely a forum for advancing the Registrant's grievances against the HEU; it is also used to solicit financial contributions from members of the public through the GoFundMe page, which is intended to help fund "legal expenses" associated with the Registrant's campaign against the Complainant.

37. The Registrant therefore has a direct financial stake in attracting visitors to the Website. Part of the website's function, therefore, is to be a promotional and fundraising vehicle for the Registrant's grievances and related activities against the HEU.

38. The above notwithstanding, and in any event, panels have found that even a general right to legitimate criticism does not necessarily extend to registering or using a domain identical to a service mark. Even where such a domain is used in relation to genuine non-commercial free speech, panels tend to find that this creates an impermissible risk of user confusion through impersonation. The degree of similarity between the Domain Name and the Complainant's mark creates such a risk.

The Registrant registered the domain name in bad faith

39. The Registrant has registered the Domain Name in bad faith. Since its inception, the domain has been used to advance the Registrant's personal vendetta against the Complainant. The similarity between the Domain Name and the Complainant's service mark is a deliberate and strategic choice, which, along with the Website, serves the dual purpose of disrupting the Complainant's business and diverting mistaken users to the Website and the GoFundMe campaign. The Registrant is therefore attempting to capitalize on this similarity in order to increase traffic to the Website and fund his personal grievances against the Complainant. As such, this registration has been made in bad faith.

- **Registrant**

40. The Registrant submits that he has a legitimate interest in **HEUBC.CA** pursuant to paragraph **3.4(d)** of the Policy because the domain name has been used in Canada, in good faith, in association with a non-commercial activity involving information, advocacy, commentary and criticism concerning the Hospital Employees' Union ("HEU") and matters affecting its members.

41. The Registrant relies principally upon paragraph 3.4(d), which expressly recognizes good-faith use of a domain name in Canada in association with a non-commercial activity, including criticism, review or news reporting.

42. A record of the current content of HEUBC.CA demonstrates the actual use of the domain for information, advocacy, commentary and criticism concerning HEU and matters affecting its members.

Purpose Existed Before Registration

43. Importantly, the Registrant's information and advocacy purpose existed **before HEUBC.CA was registered.**

44. HEU's own Complaint acknowledges that in December 2024, the Registrant advised HEU that he intended to create a website where documents concerning his issues with HEU would be made available and which would provide a platform to raise awareness among union members, media outlets and others.

45. HEU further acknowledges that the Registrant subsequently registered HEUBC.CA **on March 22, 2025**.HEU's own evidence therefore establishes that the stated information and advocacy purpose preceded registration of the disputed domain name by approximately three months.

Actual Use Is Consistent With That Purpose

46. HEU's Complaint also acknowledges that the resulting website has actually been used consistently with that stated purpose.

47. HEU describes HEUBC.CA as an **"advocacy and information platform"** focused on governance, transparency, accountability and financial matters relating to HEU.

48. HEU further acknowledges that the website contains material concerning constitutional amendments, leadership and staff compensation, election and ratification processes, leadership conduct, union finances and legal challenges, and that it publishes commentary, analysis and advocacy concerning HEU.

49. These are not characteristics of a passively held or parked domain. They demonstrate actual use of the domain for the information, advocacy and criticism purpose identified before registration.

50. The Registrant further submits that HEUBC.CA is Non-Commercial and does no sell union memberships or labour-representation services, collect union dues, operate pay-per-click advertising, or generate revenue through sale or licensing of the domain name.

51. The Registrant furthermore maintains that he does not claim that HEUBC.CA is HEU's official website, nor that the website is authorized, sponsored or endorsed by HEU.

- **Remedy Sought**

52. The Complainant requests that the Panel issue a decision that the domain-name registration be **transferred to the Complainant.**

5. DISCUSSION AND FINDINGS

a. Eligibility

53. The Complainant is an eligible complainant under paragraph 1.4 of the CDRP.

a. Requirements

54. In accordance with Paragraph 4.1 of the CDRP, the onus is on the Complainant to prove that:

(a) the Domain Name is Confusingly Similar to a trademark or service mark in which the Complainant had rights prior to the date of registration of the Domain Name and continues to have such Rights: and
(b) the Registrant registered the Domain Name in bad faith.

and the Complainant must provide some evidence that:

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

55. The Panel will consider each of these requirements in turn.

a. Analysis

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

55. The Complainant submits that the Domain Name so nearly resembles the Complainant's service mark in appearance and the ideas suggested by it that it is likely to be mistaken for the Complainant's mark. The Domain Name is therefore confusingly similar to the Complainant's mark within the meaning of paragraph 3.3 of the Policy.

56. The Complainant operates under the service mark "HEU" and uses the domain name "heu.org" as its principal online presence. The Registrant has registered and uses the domain name "heubc.ca" for the stated purpose of advancing his campaign against the Complainant.

57. Under the Policy, the top-level domains (.org and .ca) are disregarded when assessing confusing similarity. Therefore, the relevant comparison is between "heu" and "heubc".

58. The Domain Name wholly incorporates the Complainant's distinctive mark "HEU" as its dominant and leading element. The only difference is the addition of the letters "bc" which are commonly understood as an abbreviation for British Columbia.

59. Visually, "heubc" differs from "heu" only by the addition of two letters at the end of the mark. The Domain Name retains the entirety of the Complainant's mark and remains immediately recognizable as HEU. Phonetically, Internet users are likely to read the Domain Name as "HEU British Columbia" or "HEU BC", reinforcing an association with the Complainant rather than distinguishing the domain from it.

60. The dominant and distinctive portion of the Domain Name is therefore identical to the Complainant's mark "HEU". The addition of a geographic abbreviation does not materially alter the impression created by the Domain Name, and instead increases the likelihood that users will believe the domain is owned, authorized, or operated by the Complainant.

61. "Confusingly Similar" for the purpose of the CIRA Domain Name Policy requires only that the Domain Name so nearly resembles the Mark in appearance and sound, or the ideas suggested by the Mark as to be likely mistaken for the Mark.

62. The Panel is satisfied that the Domain name is confusingly similar to the Mark.

5.3.2 & 5.3.3 Legitimate interest and Bad Faith Registration

63. The Panel is of the view that the Complaint fails at the second and third prongs of the CDRP analysis. With respect to the Registrant's legitimate interest in the domain, the Complaint did not furnish "some evidence" that the Registrant lacks a legitimate interest in the Domain Name. In any event, the Registrant has demonstrated a legitimate interest in the Domain Name on a balance of probabilities. The Complainant has also failed to demonstrate that the Registrant registered the Domain Name in bad faith.

64. The Complainant candidly acknowledged that the website hosted at the Domain Name "publishes commentary, analysis, and advocacy concerning HEU financial statements, including discussion

of dues, revenue, salaries, benefits, travel expenditures, and political action funding", as well as "extensive criticism of current and former HEU leadership" and "substantial allegations concerning a HEU ratification vote conducted in late 2025". The Complainant hastens to add that these allegations are statements of the Registrant's opinion and are "not supported by any authorities that would establish their truth". It may well be that the information found at the Domain Name is inaccurate; this Panel is not in a position to make that determination, nor is it strictly relevant to our analysis. It is evident from the content of the website hosted at the Domain Name and the Registrant's submissions that the Registrant believes deeply in his cause and has created the website hosted at the Domain Name to put forward his position. It is not for the Panel to look beyond what, on its face and on the Complainant's own description, is the Registrant's genuine activism.

65. Further, the fact that the website hosted at the Domain Name links to a seemingly related Facebook group that, in turn, links to a GoFundMe campaign related to ongoing litigation against the Complainant does not demonstrate a lack of legitimate interest in the Domain Name or bad faith registration. The Panel comes to this conclusion for two reasons.

66. First, even though the website is, among other things, used to link to another page that seeks donations to fund litigation, it is not clear that this constitutes a "commercial" use by the *Registrant*. The Registrant filed an affidavit affirmed by Shannon Calhoun, a third party to this Complaint. Ms. Calhoun deposed that she is a plaintiff in ongoing litigation against the Complainant and that she is the owner of the GoFundMe campaign related to that litigation. She attached documentation (screen shot of the GoFundMe campaign and bank statements) bearing this out. Whether the Registrant would ultimately benefit from the litigation's funding is unclear on the record.

67. Second, and even if the Registrant would obtain some benefit from the litigation funding campaign, this does not render the Domain Name's use illegitimate. Again, and as the Complainant acknowledges, the website hosted at the Domain Name is primarily a repository of information related to the Complainant and what the Registrant thinks amounts to various improprieties in its governance and operation.

68. We note the text of CDRP paragraph 3.4(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". There is no doubt that the Registrant uses the Domain Name for the purpose of criticism, and does so in a non-commercial manner. The fact that the website contains a link to the Facebook page that contains a link to Ms. Calhoun's GoFundMe does not change this. In other words, even assuming funding the litigation Ms. Calhoun references in her affidavit is a "commercial" activity, the balance of the website's content is non-commercial in nature and is separate and apart from any litigation financing.

6. DECISION and ORDER

69. The Panel finds that the Complainant has failed to satisfy its burden of proving that the Domain Name was registered in Bad Faith. Additionally, the Registrant has demonstrated on a balance of probabilities that it has a legitimate interest in the Domain Name.

70. For the above reasons, in accordance with Paragraph 4 of the CDRP, Paragraph 12 of the Resolution Rules, the Panel orders that the Remedy requested in the Complaint be denied.

Made as of September 29, 2026

SIGNATURE OF PANEL

[redacted] Claude Freeman

[redacted] James Plotkin, Q. Arb.

[redacted] Carol Roberts