



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	27504-CDRP	Decision date: October 7, 2026
Domain Name:	<mercedes-benz-trucks.ca>	
Panel:	Steven M. Levy	
Complainant:	Mercedes-Benz Group AG	
Complainant's representative:	Nils Thumm of Heumann Rechts- und Patentanwälte	
Registrant:	Tom Zhu	

1. PROCEDURAL HISTORY

1.1. This administrative proceeding is conducted pursuant to the Canadian Dispute Resolution Policy (the CDRP) and the Canadian Dispute Resolution Rules (the Resolution Rules) of the Canadian Internet Registration Authority (CIRA).

1.2. This administrative proceeding concerns the domain name <mercedes-benz-trucks.ca>.

1.3. The disputed domain name <mercedes-benz-trucks.ca> was registered on November 11, 2025.

1.4. The procedural history of this case is as follows:

- On August 20, 2026, Nils Thumm filed a Complaint on behalf of Mercedes-Benz Group AG, pursuant to the CDRP and the Resolution Rules. The required commencement fee was received on the same day. The Complaint was in administrative compliance with CIRA's requirements under Rule 3.2.
- On August 28, 2026, CIRA was notified of this proceeding and on August 31, 2026, CIRA transmitted by email to CIIDRC its verification response informing that the registrant of the disputed domain name is Tom Zhu (the "Registrant"). CIRA also confirmed that the disputed domain name was placed on a

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Registrar LOCK and that the domain name has a Registration Date of November 11, 2025 (the “Registration Date”).

- Pursuant to Resolution Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding and forwarded a Notice of Complaint along with the Complaint to the Registrant on September 2, 2026.
- In accordance with the Resolution Rules, the deadline for the submission of a Response was September 22, 2026.
- The Registrant failed to file a Response to date.
- The Complainant in this administrative proceeding has elected for a Panel consisting of a single member.
- The Complainant deposited the required Panel fee on September 29, 2026.
- On October 2, 2026, CIIDRC appointed the Panel of the CDRP administrative proceedings, consisting of Steven M. Levy (the “Panel”).

1.5. The Panel finds that it was properly constituted. The Panel has submitted its Statement of Acceptance and Declaration of Impartiality and Independence, as required by CIIDRC to ensure compliance with the Resolution Rules.

2. FACTS ALLEGED BY THE PARTIES

The Complainant, Mercedes-Benz Group AG, is a German company that owns the MERCEDES-BENZ trademark. It asserts that motor vehicles, including trucks sold by its licensee Daimler Truck AG, are offered under this mark. The MERCEDES-BENZ name is the subject of a number of trademark registrations with the Canadian Intellectual Property Office (“CIPO”) including Reg. No. TMA160545, dated January 17, 1969, and Reg. No. TMA298714, dated January 4, 1985, each of which covers, *inter alia*, vehicles and their parts.

The disputed domain name <mercedes-benz-trucks.ca> was registered by the Registrant on November 11, 2025. It resolves to a Registrar landing page on which it is offered for sale and its name servers point to a GoDaddy sales page on which the domain may be purchased. In emails dated April 20, 2026 and August 11, 2026, sent to the Complainant’s domain administration address, the Registrant offered to sell the disputed domain name to the Complainant for USD 1,995.

3. CONTENTIONS OF THE PARTIES

- **Complainant**

The Complainant submits that the disputed domain name is confusingly similar to its trademark as it contains the MERCEDES-BENZ mark in its entirety along with the descriptive word “trucks” which, it asserts, is understood by the public to refer to trucks sold under the mark by the Complainant’s licensee. The Complainant further asserts that its mark is “a world-famous trademark known to everyone.”

The Registrant has no legitimate interest in the disputed domain name as it does not own any MERCEDES-BENZ trademark in Canada, it does not use the disputed domain name for a website but only for a sales page, the disputed domain name is neither descriptive nor generic in Canada, it is not used for noncommercial purposes such as criticism or news reporting, the Registrant's name is not "Mercedes-Benz", and the disputed domain name is not the geographical name of the location of any noncommercial activity or place of business of the Registrant.

The disputed domain name was registered in bad faith as the Registrant registered it primarily for the purpose of selling it to the Complainant, or its licensor or licensee, for an amount that exceeds the Registrant's actual costs of registration, as demonstrated by its two emails offering the disputed domain name to the Complainant for USD 1,995.

- **Registrant**

The Registrant has not submitted a Response or made any other submission in this case.

- **Remedy Sought**

The Complainant requests that the disputed domain name be transferred to it.

4. DISCUSSION AND FINDINGS

4.1 Eligibility

The Complainant is an eligible complainant under paragraph 1.4 of the CDRP. The Complaint relates to a trademark registered with the CIPO, the Complainant is the owner of such trademark, and the disputed domain name includes the exact word component of that registered trademark.

4.2 Requirements

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;
- (b) the Domain Name has been registered in bad faith.

and the Complainant must provide some evidence that:

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

The Panel will consider each of these requirements in turn.

4.3 Analysis

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

Paragraph 1.4 of the Policy requires that in order to initiate a complaint, the complainant must either satisfy the Canadian Presence Requirements or be the owner of a trademark registered in the CIPO. Further, Paragraph 4.1(a) of the Policy requires that a complainant have rights in its asserted trademark prior to the date of registration of the domain name and that it continues to have such rights. Evidence of a CIPO registration has been held to satisfy both the Paragraph 1.4 and 4.1(a) requirements. See, e.g., *Ben Moss Jewelers v. Don Finch*, 22184-CDRP (CIIDRC January 29, 2024). Here, the Complainant has submitted copies of its CIPO trademark registrations, the earliest of which dates back to 1969 and all of which remain in force, and from this the Panel determines that the Complainant had rights in the asserted MERCEDES-BENZ trademark prior to the November 11, 2025 registration of the disputed domain name and that it continues to have such rights.

Next, the Complainant asserts that the disputed domain name is confusingly similar to its asserted trademark as the only differences are the addition of the descriptive word “trucks” and the .ca TLD. Such changes are typically insufficient to avoid confusion under Paragraph 4.1(a) of the Policy which directs that 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. *ITG Cigars Inc. v. Danhill asu*, 22261-CDRP (CIIDRC January 18, 2024) (domain name <backwoodcigars.ca> found confusingly similar despite the addition of the generic word “cigars” to the Complainant’s BACKWOODS mark); *Xerox Corporation v. Mark Cataford*, 18331-CDRP (CIIDRC October 19, 2022). See also *WIPO Jurisprudential Overview 3.1*, par. 1.8 (where the relevant trademark is recognizable within the domain name, the addition of a descriptive term does not prevent a finding of confusing similarity). The disputed domain name <mercedes-benz-trucks.ca> reproduces the MERCEDES-BENZ mark in its entirety, including its hyphen, and the mark remains clearly recognizable. Furthermore, the added word “trucks” describes a category of goods covered by the Complainant’s Class 12 registrations and so it increases, rather than diminishes, the likelihood that the disputed domain name will be mistaken for the mark. The Panel thus finds that the Complainant has satisfied Paragraph 4.1(a) of the Policy.

4.3.2 Whether the Registrant Registered the Domain Name in Bad Faith

Paragraph 4.1(b) of the Policy is satisfied when a complainant demonstrates, on a balance of probabilities, that the registrant registered the disputed domain name in bad faith. Inherently prerequisite to a finding of bad faith is some attribution of knowledge of a complainant’s trademark, whether actual or based upon a conclusion that a registrant should have known of the mark. See *Domain Name Arbitration*, 4.02-C (Gerald M. Levine, Legal Corner Press, 2nd ed. 2019) (“Knowledge and Targeting Are Prerequisites to Finding Bad Faith Registration”); *USA Video Interactive Corporation v. B.G. Enterprises*, D2000-1052 (WIPO December 13, 2000) (claim denied where “Respondent registered and used the domain name without knowledge of Complainant for a *bona fide* commercial purpose.”). See also *WIPO Jurisprudential Overview 3.1*, par. 3.1 (panels may consider a respondent’s likely knowledge of the complainant’s rights when examining whether the respondent registered a domain name to profit from or otherwise exploit the complainant’s trademark).

Here, the Complainant asserts that MERCEDES-BENZ is “a world-famous trademark known to everyone.” However, it submits no evidence in support of this claim. Its CIPO registrations prove the existence of its trademark rights, but they say nothing about the reputation of the mark in Canada or elsewhere, and the Complaint is devoid of any evidence of sales, advertising, media coverage, promotion, or consumer recognition of the mark. As such, the Panel declines to base its conclusion as to the Registrant’s knowledge upon the claimed fame of the mark. See *The Clash of Trademarks and Domain Names*, Sec. 12.03-A.3 (Gerald M. Levine, Legal Corner Press, online ed. updated October 5, 2026) (a contention of reputation, standing alone, cannot support the inference that a respondent knew of the complainant’s mark).ⁱ The Panel is thus left to rely on the Registrant’s own conduct. In this regard, the Complainant submits copies of two unsolicited emails, dated April 20, 2026 and August 11, 2026, sent from the Registrant’s email address of record to the Complainant’s domain administration address. In these emails, the Registrant identifies itself as the owner of the <mercedes-benz-trucks.ca> domain name, asks whether the Complainant has an interest in buying it, offers to sell it for USD 1,995, and lists among the benefits of ownership that “Protecting your brand is as important as growing it.” By directing its offer to the Complainant and invoking the protection of the Complainant’s brand, the Registrant has demonstrated that it was well aware of the Complainant and its MERCEDES-BENZ mark. The Registrant has not participated in this proceeding to offer any alternative explanation for its selection of a domain name that combines the Complainant’s mark with the word “trucks” and so, considering the totality of the evidence, the Panel finds it more likely than not that the Registrant had the Complainant’s mark in mind when it registered the disputed domain name.

The Complainant next asserts that the Registrant registered the disputed domain name primarily for the purpose of selling it to the Complainant, or to its licensor or licensee, for an amount in excess of the Registrant’s actual registration costs. Offering to sell a disputed domain name to a complainant, or one of its competitors, for a sum in excess of the registrant’s out-of-pocket costs in registering the domain name is specifically enumerated as demonstrating bad faith registration under paragraph 3.5(a) of the CDRP and this has been applied by panels in appropriate situations. See, e.g., *Captain D’s Enterprises, LLC v. Derek Watts*, 24522-CDRP (CIIDRC March 14, 2025) (bad faith found where “the Disputed Domain Name resolves to a web site that solely advertises the domain name for sale.”); *ZV Singapore Pte v. Dave Chandler*, 26953-CDRP (CIIDRC June 15, 2026) (bad faith found where the registrant registered <zadig-et-voltaire.ca> because it reflected the complainant’s trademark and provided scope for selling it to the complainant). However, as paragraph 3.5(a) is concerned with an intent to sell the domain name to the Complainant or to its licensor, licensee, or competitor, a general offer to sell a domain name to the public at large may not, without more, satisfy this provision. See *The Clash of Trademarks and Domain Names*, Sec. 11.03-B.1 (discussing the narrow reading given to the parallel UDRP provision, paragraph 4(b)(i), which requires that the registrant specifically had the complainant in mind). Here, the disputed domain name has not been used for any purpose other than a Registrar landing page offering it for sale but, more significantly, within a few months of its registration the Registrant twice directed its offer specifically to the Complainant, seeking USD 1,995, a sum that, absent any explanation from the Registrant, the Panel finds to be well in excess of the typical cost of registering a .ca domain name. In view of these facts, and the lack of any evidence of an ongoing business or other legitimate purpose underlying the Registrant’s registration of

<mercedes-benz-trucks.ca>, the Panel finds it more likely than not that the Registrant registered the disputed domain name in bad faith primarily for the purpose of selling it to the Complainant for an amount in excess of its out-of-pocket registration costs under paragraph 3.5(a) of the CDRP.

4.3.3 Whether there is Some Evidence that the Registrant has No Legitimate Interest in the Domain Name

Paragraph 4.1(c) of the CDRP requires that the Complainant provide some evidence that “the Registrant has no legitimate interest in the domain name as described in paragraph 3.4.” Paragraph 3.4 provides six examples of scenarios, any one of which, if supported by evidence, could lead to the conclusion that the Registrant has a legitimate interest in the Domain Name. It is to be noted that in paragraphs 3.4(a), (b), (c), and (d), there is a requirement that the Registrant used the Domain Name “in good faith”. *Indeed Canada Corp. v. Julie Derouin*, DCA-1899-CIRA (CIRA August 28, 2017). Where a complainant provides such evidence, the registrant will succeed on this element only if it proves, on a balance of probabilities, that it has a legitimate interest in the domain name.

In support of its claim that the Registrant has no legitimate interest in the disputed domain name, the Complainant submits the results of its August 14, 2026 search of the CIPO database showing that the only registered trademarks containing the MERCEDES-BENZ element are owned by the Complainant. It also submits a screenshot showing that the disputed domain name resolves to a Registrar landing page offering it for sale and, as noted above, the Registrant has twice offered to sell the disputed domain name to the Complainant. Offering a domain name for sale to the owner of the trademark that it reflects is not a good faith use of the domain name, and the combination of the MERCEDES-BENZ mark with the word “trucks” is neither clearly descriptive nor generic in Canada nor is it used for a noncommercial purpose such as criticism, review, or news reporting. From the evidence presented and the Registrant’s lack of any response or submission of any claim or evidence that it has rights or legitimate interests in the disputed domain name, the Panel finds no ground upon which to conclude that it has satisfied the requirements of paragraphs 3.4(a), (b), (c), or (d) of the CDRP.

With respect to paragraph 3.4(e) of the CDRP, Whois information is often used to determine whether a registrant is commonly identified by a disputed domain name. Here, the registrant information confirmed by CIRA identifies the Registrant as “Tom Zhu” and this does not bear any resemblance to the MERCEDES-BENZ mark or otherwise indicate that the Registrant is commonly identified by the <mercedes-benz-trucks.ca> domain name. Based on the presented evidence, the Panel finds no ground upon which to conclude that the Registrant is commonly identified by the disputed domain name.

Finally, there is no indication that the disputed domain name is the geographical name of the location of any noncommercial activity or place of business of the Registrant and so there is no basis for finding a legitimate interest under paragraph 3.4(f) of the CDRP.

In light of the above analysis, the Complainant has provided some evidence that the Registrant has no legitimate interest in the disputed domain name and this has not been rebutted by the Registrant. Thus, the Panel finds that the Complainant has satisfied paragraph 4.1(c) of the CDRP.

5. DECISION and ORDER

The Panel finds that the Complainant has satisfied its burden of proof with respect to all three elements of Paragraphs 3.1 and 4.1 of the Policy. For the reasons stated above, and in accordance with Paragraph 4 of the Policy and Paragraph 12 of the Resolution Rules, the Panel orders that the domain name <mercedes-benz-trucks.ca> be transferred to the Complainant.

Made as of October 7, 2026

SIGNATURE OF PANEL

Steven M. Levy

Steven M. Levy



ⁱ Unsupported factual claims, such as the Complainant's assertion that its mark is "world-famous" and "known to everyone," are typically not accepted by panels, even where the registrant has defaulted, as a registrant's failure to respond does not relieve a complainant of its burden of proof. See *WIPO Jurisprudential Overview* 3.1, par. 4.3. Registration of a trademark, while proving the existence of rights, does not demonstrate the reputation of that mark. Had the Registrant not made its direct offer to sell the disputed domain name to the Complainant, the outcome of this case may well have been different given the lack of any submitted evidence of the reputation of the Complainant's mark.