CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	**24696-CDRP**	Decision date: April 4, 2025
Domain Names:	**CANADAISNOTFORSALEHAT.CA; CANADANOTFORSALEHATS.CA**	
Panel:	**Nathalie Dreyfus (Chair)** **Hon. Neil Brown, KC** **Brian Gray, FCIArb.**	
Complainant:	**Jackpine Dynamic Branding Inc.**	
Registrant:	**Asadallah Kassam**	

1. OVERVIEW

This matter concerns two registered domain names, **<canadaisnotforsalehat.ca>** registered on January 16, 2025, and **<canadanotforsalehats.ca>** registered on February 7, 2025 (the "Domain Names").

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

The procedural history of this case was set out in a letter from CIIDRC to the Panel:

- On February 11, 2025, Jonathan Roch of MBM Intellectual Property Law LLP (the "Complainant's authorized representative") filed a complaint (the "Complaint") on behalf of Jackpine Dynamic Branding Inc. with respect to the Domain Name **<canadaisnotforsalehat.ca>**. On February 13, 2025, the Complainant's representative amended the Complaint to add a second Domain Name **<canadanotforsalehats.ca>**. The Complaint was in administrative compliance with CIRA's requirements under Rule 3.2.
- On February 11, 2025, CIRA was notified by CIIDRC of this proceeding and confirmed the Registrant's identity. CIRA also confirmed that the Domain Name **<canadaisnotforsalehat.ca>** was placed on a Registrar LOCK. On February 14, 2025, CIRA was notified of the Complaint amendment and confirmed that both Domain Names **<canadaisnotforsalehat.ca>** and **<canadanotforsalehats.ca>** were owned by the same Registrant. The Domain Name **<canadanotforsalehats.ca>** was also placed on a Registrar LOCK.
- 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 February 14, 2025.
- Mr. Abhi Ranade (the "Registrant authorized representative") filed its response on March 6, 2025.
- On March 11, 2025, the Complainant's authorized representative filed the Complainant's supplemental submission pursuant to paragraph 11.1 of the Rule.
- On March 12, 2025, the Registrant filed further submissions.

3. FACTS

The Complainant submits that it created its trademark "CANADA IS NOT FOR SALE" in its English version and "LE CANADA N'EST PAS A VENDRE" in French in response to President Trump's statements to the effect that Canada should become the 51st state of the United States. The Complainant registered the domain name <strongandfreehat.ca> on January 9, 2025, and created a Shopify store to sell its goods displaying its trademarks. The Complainant started advertising and promoting the marks in Canada on its website on January 9, 2025.

On January 16, 2025, the Complainant filed a Canadian trademark application "CANADA IS NOT FOR SALE" no. 2374770 in class 25 covering headwear, apparel, and accessories, but it had not been registered by the time the Complaint was filed. However, the Complainant also claims that it acquired Common Law trademark rights in the name "CANADA IS NOT FOR SALE" and its French equivalent "LE CANADA N'EST PAS A VENDRE" through its use in connection with headwear, apparel, stickers, and signs. The Complainant submits that these rights were established through a high degree of inherent distinctiveness, further reinforced by a strong reputation for the trademarks in a short period of time through extensive media coverage across Canada, social media marketing, and substantial sales before the registration of the Domain Names.

The Complainant is also the owner of the domain name <canadaisnotforsalehat.com> registered January 16, 2025, which redirects to the Complainant's website at https://strongandfreehat.ca/.

The Domain Names resolve to an e-commerce website that offers hats and accessories emblazoned with the sign "CANADA IS NOT FOR SALE". The Registrant of the Domain Names is Mr. Asadallah Kassam, a resident of

Brampton, Ontario. However, the Registrant's authorized representative wrote to the Complainant stating that he did not represent Mr. Asadallah Kassam in any legal proceedings. The authorized representative subsequently explained that this statement was meant to apply to legal proceedings only and that he did in fact represent the Registrant in the present administrative proceeding. The Complainant has requested that the Registrant's representative advise the name of his client and the alleged actual owner of the Domain Names which he subsequently did. No business is registered under the name CANADAISNOTFORSALEHAT in Ontario.

The Complainant explains that it has become concerned that the Registrant's registration and use of the Domain Names generates confusion among internet users. Accordingly, on January 18, 2025, the Complainant's authorized representative sent a cease-and-desist letter to the Registrant, demanding that it immediately stop its allegedly unlawful activities. On January 23, 2025, the Registrant responded by denying any wrongdoing but expressed a willingness to engage in a discussion to resolve the matter amicably. However, as no resolution was reached, the Complainant has initiated this proceeding to seek the transfer of the Domain Names from the Registrant to itself.

On January 22, 2025, the Complainant issued a Statement of Claim in Federal Court against the Registrant (T-225-25). In doing so, the Complainant formally placed the Registrar on notice of the alleged unlawful activities associated with the website operating under the Domain Name **<canadaisnotforsalehat.ca>**. The Statement of Claim was served on the Registrant through the Registrar. In response, the Registrar informed the Complainant on January 24, 2025, that the Domain Name had been placed under Registrar LOCK.

On February 5, 2025, the Complainant submitted a request to Shopify asking that they remove the infringing content from the Registrant's website regarding the Domain Name **<canadaisnotforsalehat.ca>**. Shopify took action, reviewing the matter and subsequently removing the content on February 7, 2025, until the dispute is resolved. Shopify later reinstated the Registrant's store upon being informed by the Registrant of the Complainant's alleged trademark trolling tactics.

4. CONTENTIONS OF THE PARTIES

A. Complainant

The Complainant's contentions were taken from the Complaint:

Eligibility:

The Complainant is a Canadian corporation incorporated on June 20, 2017, and meets CIRA's Canadian Presence Requirements.

Trademark rights:

The Complainant claims rights in the common law trademark *"CANADA IS NOT FOR SALE"* and its French equivalent *"LE CANADA N'EST PAS À VENDRE"* (together, the "Marks") in association with hats, apparel, stickers, and signage (the “Goods”). The Complainant alleges that the Marks had acquired significant distinctiveness and recognition across Canada as of January 15, 2025, based on:

- Viral exposure of its website and TikTok video between January 12–16, 2025;
- Media attention including an interview in the *Ottawa Business Journal*;
- Ontario Premier Doug Ford wearing the Complainant’s hat at a televised press conference on January 15, 2025, and posting about it to 699,000 followers on X;
- Broad media coverage and millions of impressions through national broadcasters and newspapers;
- Verified sales of over 8,400 units by January 16, 2025 to more than 6,000 Canadian customers.

The Complainant also filed a Canadian trademark application on January 16, 2025 (No. 2374770, Class 25), which is pending and was expedited for examination.

Use of Domain Names by Registrant

The Complainant alleges that the Registrant operates the websites associated with the Domain Names **<canadaisnotforsalehat.ca>** and **<canadanotforsalehats.ca>** to sell counterfeit versions of its Goods. It claims the Registrant’s websites imitate the Complainant’s merchandise and marketing materials, and that this activity has misled consumers into believing there is an affiliation between the parties. As evidence, the Complainant submits screenshots and archived versions of the websites, along with details of a product it purchased from the Registrant which closely resembles its own. The Complainant also points to the Registrant’s use of the phrase “Official Site” in Google advertisements as further proof of an intent to confuse the public. It maintains that this conduct constitutes both copyright infringement and trademark misuse. The Complainant adds that several Canadians have reported confusion, having mistakenly believed they were purchasing directly from the Complainant. In response to these activities, the Complainant has taken enforcement steps, including the initiation of two Federal Court proceedings (T-224-25 and T-225-25).

Legal grounds:

The Complainant asserts that the Domain Names satisfy the three-part test set out in paragraph 3.1 of the Policy. As to the first element, the Complainant contends that the Domain Names are confusingly similar to its Mark, as they incorporate the Mark in full or with only minor variations. The inclusion of the terms “hat” or “hats” does not reduce the risk of confusion; on the contrary, it reinforces the association with the Complainant’s branded products. The Complainant further argues that the overall presentation of the Registrant’s website and the products sold there enhance the misleading impression of an affiliation.

The Complainant submitted that the Registrant had no legitimate interest in the disputed Domain Name and had registered and used it in bad faith.

Remedy sought:

Pursuant to Resolution Rule 3.2(j) & paragraph 4.3 of the Policy, the Complainant requests that the Panel issue a decision that the Domain Name registrations be transferred to the Complainant.

B. Registrant

Nature of Business and Background

The Registrant's contentions were taken from the Response to the Complaint.

The Registrant operates a Canadian business in Ontario that sells merchandise, primarily hats and hoodies, bearing the phrase "CANADA IS NOT FOR SALE" and its French equivalent, though its website using the Domain Names.

The Registrant contends that it independently adopted the slogan, and its use is lawful, expressive, and unconnected to the Complainant. It disputes the Complainant's claim to trademark exclusivity over the phrase and argues the Complaint lacks foundation.

Trademark Issues and Distinctiveness

The Registrant contends that the phrase "CANADA IS NOT FOR SALE" is a political expression, not a trademark capable of serving as a source identifier. It argues that the slogan has been in use since at least the early 20th century and functions primarily as a statement of national sovereignty, rather than indicating the commercial origin of goods. The Domain Name, according to the Registrant, merely describes the nature of the merchandise being sold, namely hats bearing a political message.

The Registrant further submits that the slogan lacks acquired distinctiveness. It emphasizes that the Complainant's claim of distinctiveness is based on an extremely short timeframe which it argues is insufficient to establish secondary meaning. The Complainant's Goods are imported and only embroidered in Canada, which, in the Registrant's view, contradicts claims of Canadian origin and raises concerns under section 12(1)(b) of the *Trademarks Act*. The Registrant points to comments by the trademark examiner and relevant case law, which underscore that trademarks deemed deceptively misdescriptive cannot acquire distinctiveness. It also notes that short-term spikes in publicity do not meet the legal threshold for acquired distinctiveness. In support of this position, the Registrant relies on decisions such as *OCAS Application Services Inc v iREx Corp* and *Standard Coil Products*, which caution against recognizing trademark rights based on brief and recent promotional activity.

Confusing Similarity – Denied

The Registrant rejects the claim that the Domain Names are confusingly similar to any trademark rights asserted by the Complainant. It argues that the inclusion of the word "hat" in **<canadaisnotforsalehat.ca>** results in a distinct and materially different domain string. The Registrant maintains that the Domain Name accurately describes the product being offered, namely hats bearing a political slogan, and does not suggest any affiliation with the

Complainant. Furthermore, the phrase "CANADA IS NOT FOR SALE" is characterized as a widely used political expression that exists in the public domain and is not exclusive to the Complainant. As such, its use in the Domain Name does not create a likelihood of confusion.

Legitimate Interest

The Registrant argues that it has a legitimate interest in the Domain Name within the meaning of paragraph 3.4 of the Policy.

Bad Faith

The Registrant denies any bad faith within the meaning of paragraph 3.5 of the Policy.

Request for Costs

Relying on Resolution Rule 5.2(g), the Registrant seeks an award of up to CAD $5,000 in costs, arguing that the Complaint was filed without any color of right. The Registrant maintains that the Complainant proceeded despite being aware of the significant weaknesses in its trademark claim, particularly regarding the descriptive nature of the slogan and the questionable origin of the Goods. It characterizes the Complaint as a tactic of reverse domain name hijacking, intended to wrest control of a legitimately held domain from a lawful user of a widely used political expression. The Registrant also accuses the Complainant of misrepresenting both the origin of its products and the strength of its trademark rights, further supporting the request for costs as a remedy for an allegedly abusive proceeding.

C. Complainant's reply

The Complainant provides additional submissions to substantiate its arguments on legitimate interest, and addresses the Registrant request for CAD $5,000 in costs.

Submissions on Registrant's CAD $5,000 Cost Demand

The Complainant opposes the Registrant's demand for CAD $5,000 in costs, asserting the claim is baseless. It maintains that it created the "CANADA IS NOT FOR SALE" brand, which was publicly endorsed by Premier Doug Ford on January 15, 2025, and widely covered in Canadian media. The Registrant has not shown prior use of the Mark for apparel; the evidence it provides is either misdated or unrelated to trademark use.

The Complainant contends that its advertising, media attention, and sales clearly demonstrate acquired distinctiveness. It further states that its Goods originate in Canada, and that the Canadian Trademark Office has not found the Mark to be clearly descriptive. The Complaint was filed in good faith to enforce trademark rights and prevent unauthorized commercial use, including imitation of the Complainant's style and copyrighted content.

Over 70 parties have complied with the Complainant's takedown requests, including large retailers like Walmart and Giant Tiger. The Complainant has also initiated two Federal Court actions, including one against the Registrant. It argues that the Complaint is a proper and proportionate response to protect its rights. The Complainant asks that the cost claim be dismissed.

D. Registrant’s reply

The Registrant asserts that the email exchanges cited by the Complainant are subject to settlement privilege, as they arose during efforts to resolve a Federal Court action. Their use in this proceeding, according to the Registrant, constitutes bad faith.

In response to the Complainant’s allegation that Mr. Asadallah Kassam is a fictitious or nominal registrant, the Registrant clarifies that Mr. Kassam is a real individual who authorized the representative in this proceeding. The Domain Name was registered under Mr. Kassam’s name and for a legitimate purpose, as previously explained.

The Registrant maintains that CIRA’s standards for legitimate interest differ from those in Federal Court and that the Complainant’s attempt to conflate the two is misguided.

Finally, the Registrant notes a contradiction in the Complainant’s claims regarding the origin of its Goods. While asserting that the Goods originated in Canada prior to the domain registration, the Complainant recently stated that its hats are now made in Canada, calling into question the credibility of its earlier claims.

The Registrant asks that the Complaint be dismissed in full, that a finding of bad faith be made against the Complainant, and that the Panel award costs accordingly.

E. Remedy Sought

The Complainant seeks an order to have the Domain Names transferred.

The Registrant asks for the Complainant to pay up to CAD $5,000 in costs to the Registrant to defray the expenses incurred in defending the proceeding.

5. DISCUSSION AND FINDINGS

5.1. Procedural issue

5.1.1 Alternative Proceedings

The Complainant initiated a judicial proceeding by filing a Statement of Claim before the Federal Court of Canada on January 22, 2025 (Court Files No.T-225-25). This action names the Registrant in relation to the same factual and legal issues at the heart of the present Complaint, namely the alleged unauthorized use of the “CANADA IS NOT FOR SALE” Mark and related domain names.

Notwithstanding the pendency of this court action, the Panel notes that Article 1.7 of the Policy explicitly allows parties to pursue administrative and judicial proceedings in parallel. It provides:

“The availability of a Proceeding pursuant to the Policy will not prevent either the Registrant or the Complainant from submitting a dispute between them to a judicial or administrative proceeding, arbitration, mediation or any other procedure at any time for independent resolution.”

Accordingly, while the Panel takes note of the pending litigation and the factual overlap with this proceeding, it finds no procedural basis at this stage to decline jurisdiction or delay its determination. The administrative process under the CDRP will proceed independently, consistent with the framework provided under Article 1.7 of the Policy.

5.1.2. Unsolicited supplemental submissions

The Panel addresses the issue of whether to accept the unsolicited supplemental submissions filed by the Complainant and the Registrant following the initial Response. After the Response was submitted on March 6, 2025, the Complainant filed a supplemental submission on March 11, 2025. The Registrant filed further submissions on March 12, 2025.

Pursuant to paragraph 11.1 of the Rules, the Panel may, at its sole discretion, request further statements or documents from either of the parties. However, unsolicited submissions are generally not permitted unless the Panel has made such a request.

An exception is provided under paragraph 11.1 of the Rules, which states:

"If the Response contains a claim for costs under paragraph 4.6 of the Policy, the Complainant may respond to the claim in less than one thousand (1,000) words within five (5) days after receipt of the Response".

In the present case, the Complainant’s supplemental submission was filed within the five-day window following the Response, and addressed the issue of costs raised under paragraph 4.6 of the Policy. Accordingly, the Panel is of the opinion that such Complainant supplemental submission is admissible under paragraph 11.2.

With respect to the further unsolicited submissions filed by the Registrant on March 12, 2025, the Panel notes that these submissions were not requested and do not fall within the scope of the exception provided under paragraph 11.1 of the Rules, which applies exclusively to the Complainant in response to a claim for costs.

However, the Panel has the authority to determine the admissibility, relevance, materiality, and weight of the evidence, and to request additional materials where necessary to ensure a fair determination.

Having reviewed the substance of the filing, the Panel is satisfied that its admission will not result in prejudice to the Complainant and will assist in the fair resolution of the dispute. While unsolicited supplemental filings are generally discouraged, Panels have consistently held that such filings may be admitted where the submitting party clearly demonstrates their relevance to the issues in dispute and provides a reasonable justification for not including the information in its initial pleadings. The Panel finds that the Registrant’s supplemental submission would assist the Panel in assessing the credibility of the parties and the legitimacy of the Domain Names’ registration.

Accordingly, the Panel exercises its discretion to accept the Registrant's further submission into the record.

The Panel accepts both the Complainant's and the Registrant's further submissions filed on March 11, and March 12, 2025

5.2. Eligibility

Paragraph 1.4 of the Policy provides that a complainant initiating a complaint must satisfy the Canadian Presence Requirements for Registrants Policy in respect of the Domain Names that are subject of the proceeding.

The Complainant submits proof that it is a corporation as defined in Article 2(4) of the Canadian Presence Requirements for Registrants Policy, registered on June 20, 2017, under the Canada Business Corporations Act by providing a copy of its Certificate of Incorporation.

Accordingly, the Panel finds that the Complainant has therefore satisfied CIRA's Canadian Presence Requirements for Registrants Policy in respect of the disputed Domain Names.

5.3. Requirements

In accordance with paragraph 3.1 of the Policy, the onus is on the Complainant to prove that:

1) The Registrant's dot-ca Domain Names are Confusingly Similar to a Mark in which the Complainant had Rights prior to the date of registration of the Domain Names and continues to have such Rights;
2) The Registrant has no legitimate interest in the Domain Names as described in paragraph 3.4; and
3) The Registrant has registered the Domain Names in bad faith as described in paragraph 3.5.

5.3. Analysis

Whether the Domain Names are confusingly similar to a mark in which the Complainant has rights

To succeed in the proceeding, the Complainant must establish that it has active rights to a mark that predates the Domain Names' registration.

On January 16, 2025, the Complainant filed the Canadian trademark application "CANADA IS NOT FOR SALE" no. 2374770 in class 25 which covers headwear, apparel, and accessories. However, as this trademark application is still pending, the Complainant does not possess registered trademark rights under the Canadian Trademarks Act.

Moreover, even if the trademark is registered in the future, such a registration will have occurred after the registration of the disputed domain names and hence will not have satisfied the requirement in Article 3.1(1) of the Policy that the Complainant had its rights "prior to the date of registration of the domain name(s)…".

In that regard, it should be said that the **<canadaisnotforsalehat.ca>** Domain Name was registered on January 16, 2025, and the **<canadanotforsalehats.ca>** was registered on February 7, 2025.

Accordingly, as the Complainant does not have a registered trademark, it cannot succeed in this proceeding unless it can establish that it has a common law trademark for "CANADA IS NOT FOR SALE" and that it had those rights at least by January 16, 2025. The Panel will therefore turn to consider if the Complainant has made out a case that it has common law trademark rights in "CANADA IS NOT FOR SALE" and that it had those rights by January 16, 2025.

The Complainant submits that it has a common law trademark in "CANADA IS NOT FOR SALE" as this expression acquired distinctiveness and rapid recognition as a trademark as of January 15, 2025. In support of that submission, the Complainant has adduced an array of evidence relating to the publicity and popularity given to the expression in Canada and the use made of the expression by the Complainant itself. That evidence is set out above in the Contentions section of this decision and it is not necessary to repeat it here. The evidence was well presented to the Panel which has found it of assistance in resolving this issue.

However, the Panel's assessment of the whole of the evidence in that regard is that the expression has been used, including by the Complainant, as a slogan and exhortation rather than a trademark which by definition must identify the source of the goods or services in question. Mere use of such a phrase as a slogan on clothing does not automatically establish common law trademark rights. For a trademark to acquire protection under common law, it must serve as a source identifier, not merely as a political or decorative statement. This principle is supported by the decision *Guitar Center, Inc. v. Piperni*, DCA-1570-CIRA and is reflected in the definition of a "trademark" under Section 2 of the Canadian Trademarks Act (RSC 1985, c T-13). In the present case, from the evidence submitted by the Complainant, the phrase "CANADA IS NOT FOR SALE" appears to have been used as an expressive slogan rather than as a trademark indicating the origin of Goods. For instance, the Panel notes that:

- The Complainant's website states: "Questions about your order? Email hello@jackpine.co to reach the Strong and Free team and celebrate Canada's true north with statement-making headwear!**"**.
- The article in Ottawa Business Journal dating January 10, 2025 states that "Liam Mooney, founder of Ottawa-based Jackpine Dynamic Branding, launched an online store this week selling red toques and baseball caps featuring the wording "Strong and Free" and "Canada Is Not For Sale.**"** The hats are also available with French wording "Fort et libre" and "Le Canada n'est pas à vendre".".

Moreover, there are other aspects of the evidence that lend support to the Panel's conclusion. It is clear that the slogan has been in use for one purpose or another for many years in support of various causes and that its modern use has been generated by the proposal by President Trump that Canada should become the 51st State of the United States of America. That proposal has become a political issue. As part of the public discussion of the issue it has generated debate along the lines that to suggest that Canada should become the 51st State of the United States is tantamount to its being for sale, whereas it is not and should not be for sale. That being so, it would be very difficult to show that the expression was being used not for what it is clearly is, namely part of an ongoing political and national debate on that issue, but as a means of identifying the source of the products on which the expression appears, which it equally clearly is not.

Thus, the Panel is of the opinion, based on all the evidence including the elements provided by the Complainant and mentioned above, that the Goods were designed to make a political or social statement, prominently featuring the wording. This use does not indicate that the phrase “CANADA IS NOT FOR SALE” was intended to function as a source identifier, at least not from its initial use. Instead, it appears to have been employed primarily for its expressive or political message, rather than as a source indicator for the Goods.

The Panel could not find any element in the material provided by the Complainant to show on the balance of probabilities that the Complainant itself referred to the slogan “CANADA IS NOT FOR SALE” as a trademark in its sales to customers.

Furthermore, the *OCAS Application Services Inc. v. iREx Corp., 2009 No.00130* case was cited by the Complainant to illustrate that common law trademarks can acquire distinctiveness even after a short period of time, especially in the age of the Internet, where rapid use and promotion might lead to faster acquisition of distinctiveness. However, that decision itself demonstrates that descriptive terms, such as "ontariocollege," require significant use to acquire trademark rights. In that instance, the use was deemed insufficient to establish those rights, which is also so in the present case.

The Panel finds that "CANADA IS NOT FOR SALE" is a political slogan that has been used previously. However, the Panel does not accept that it was used on hats prior to the Complainant’s use according to the elements provided by the Registrant. In particular, Annex 3 of the Response is unreliable, as it references dates in November 2024 for events that clearly occurred in January 2025, such as Premier Doug Ford’s press conference on January 16, 2025, and a Google search showing a date of November 27, 2024.

Consequently, the Complainant has failed to meet the necessary criteria for establishing common law trademark rights. Thus, the Complainant has not proved that the domain names were confusingly similar to “a Mark in which the Complainant had Rights prior to the date of registration of the domain name(s)” as required by paragraph 3.1(1) of the Policy.

As such, there is no need to address the issues of legitimate interest and bad faith.

It should be made clear that this decision is without prejudice to any trademark rights the Complainant may be able to establish through its ongoing court action.

While the Panel acknowledges the seriousness of these claims, allegations of copyright infringement fall outside the scope of the Policy. More importantly, they are not relevant to the determinative issue in this proceeding, namely whether the Complainant has established rights in a Mark within the meaning of paragraph 3.1(a) of the Policy.

6. DECISION AND ORDER

For the above reasons, in accordance with paragraph 4 of the Policy, paragraph 12 of the Resolution Rules, the Panel orders that the Complaint be denied.

The Panel denies the claim for reverse domain name hijacking and the request for costs. The Complaint was not filed in bad faith nor without a reasonable basis. The Complainant had the opportunity to prove its trademark rights, and there was no evidence of abuse of the CDRP process. Therefore, the Panel also finds that the Registrant did not prove on a balance of probabilities that the Complaint was commenced by the Complainant for the purpose of attempting, unfairly and without color of right, to obtain a transfer of the Domain Names. Accordingly, the Panel dismisses the request of the Registrant to be paid for an amount to defray its costs incurred.

Made as of April 4, 2025

SIGNATURE OF PANEL

[redacted]

Nathalie Dreyfus

[redacted]

Brian Gray

[redacted]

The Honorable Neil Anthony Brown KC