

ADMINISTRATIVE PANEL DECISION

Canadian Tire Corporation, Limited v. lu sha
Case No. D2025-2009

1. The Parties

The Complainant is Canadian Tire Corporation, Limited, Canada, represented by Norton Rose Fulbright Canada LLP, Canada.

The Respondent is lu sha, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <canadiantire-onlinesale.shop> is registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 20, 2025. On May 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 22, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 23, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 27, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 23, 2025.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on June 27, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, Canadian Tire Corporation, Limited (“Canadian Tire”), is a Canadian corporation incorporated under the laws of Ontario in 1927. It is one of Canada’s most iconic and longstanding retail companies, operating under a broad portfolio of banners and brands.

Its retail business comprises over 1,700 stores and gas stations across Canada, selling an extensive range of automotive, home, leisure, hardware, and sporting goods. The Company employs tens of thousands of people across Canada and around the world, with 2024 revenue reaching approximately CAD 14.8 billion.

The Complainant holds several trademark registrations for the trademark CANADIAN TIRE in various jurisdictions, including the following:

- Canada trademark CANADIAN TIRE, Registration (“Reg.”) No. TMA770252, registered on June 21, 2010, in classes 6, 7, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 30, 35, 36.
- Canada trademark CANADIAN TIRE, Reg. No. TMA849652, registered on April 29, 2013, in classes 37, 44, 45.
- Canada trademark CANADIANTIRE.CA, No. TMA581052, registered on May 8, 2003, in classes 35, 36, 37.

The Complainant also uses the domain name <canadiantire.ca>, which is its official online presence and primary source of brand identity and communication.

The disputed domain name <canadiantire-onlinesale.shop> was registered on April 28, 2025 and was used for commercial purposes by impersonating the Complainant and to sell similar products to the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its registered and well-known trademark CANADIAN TIRE. The disputed domain name incorporates the CANADIAN TIRE trademark in its entirety, which is sufficient to establish confusing similarity under the Policy.

The Complainant further asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never authorized the Respondent to use its trademark, nor is there any evidence that the Respondent is commonly known by the disputed domain name. Additionally, the Respondent has not demonstrated any bona fide offering of goods or services or a legitimate noncommercial use of the disputed domain name.

The Complainant argues that the disputed domain name was registered and is being used in bad faith, as evidenced by the impersonation, use of the Complainant’s name and logo. The Respondent’s conduct demonstrates a deliberate attempt to mislead customers and divert funds by creating a false association with the Complainant.

Based on these facts and arguments, the Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy ([WIPO Overview 3.0](#), section 1.7).

Although the addition of other terms here, "-" and "onlinesale" - may bear on assessment of the second and third elements, the Panel finds that it does not prevent a finding of confusing similarity between the disputed domain name and the mark ([WIPO Overview 3.0](#), section 1.8).

Furthermore, the addition of the generic Top-Level Domain ("TLD") ".shop" is irrelevant when assessing confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.11.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the Complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Complainant has not authorized the Respondent to use its trademark. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there evidence of any bona fide offering of goods or services, or legitimate noncommercial use.

Panels have held that the use of a domain name for illegal activity such as phishing, impersonation, and other types of fraud can never confer rights or legitimate interests on a respondent. In this case, the Respondent used the disputed domain name to sell similar products to the Complainant.

Moreover, the composition of the disputed domain name, incorporating the Complainant's trademark with added term "-onlinesale", carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel finds that the Respondent has registered and used the disputed domain names in bad faith under paragraph 4(b)(iv) of the Policy.

The Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users to the disputed domain name by creating a likelihood of confusion with the Complainant's well-known trademark CANADIAN TIRE as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This corresponds to the circumstance described in paragraph 4(b)(iv) of the Policy.

The disputed domain name incorporates the entirety of the Complainant's mark, along with the descriptive term "onlinesale" and the TLD ".shop," reinforcing the misleading appearance of an official Canadian Tire online store.

The fact that the Respondent did not respond to the Complaint further supports this finding of bad faith.

The Panel finds the third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <canadiantire-onlinesale.shop> be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: July 11, 2025