

ADMINISTRATIVE PANEL DECISION

TELUS Corporation v. G Buchanan
Case No. D2025-3424

1. The Parties

The Complainant is TELUS Corporation, Canada, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States of America.

The Respondent is G Buchanan, Canada.

2. The Domain Name and Registrar

The disputed domain name <telus-health.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2025. On August 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 26, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 27, 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 amendment to the Complaint on August 28, 2025.

The Center verified that the Complaint together with the amendment to the 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 August 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 19, 2025.

The Center appointed Aaron Newell as the sole panelist in this matter on September 22, 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 is a communications technology company headquartered in Canada and operating in more than 45 countries. According to its 2024 annual report, the Complainant generated over CAD 20 billion in annual revenue in 2024, with more than 20 million customer connections through an advanced suite of broadband services for consumers, businesses, and the public sector.

The Complainant provides services under the name “TELUS Health” which reach 150 million customers in 200 countries offering preventive medicine and well-being technologies.

The Complainant has used the domain name <telus.com> since 1994, and the domain name <telushealth.com> since 2008.

The Complainant owns a number of trademark registrations around the world for or containing the trademarks TELUS and/or TELUS HEALTH, including:

- i) Canadian trademark registration No. TMA484042 for TELUS (registered on October 15, 1997 in respect of telecommunications services);
- ii) Canadian trademark registration No. TMA870942 for TELUS HEALTH (registered on February 7, 2014 in respect of cloud computing enabling file storage in the field of health care).

The disputed domain name was registered on October 16, 2022. There is evidence in the case file that the disputed domain name has been used to redirect Internet traffic to a website featuring pornographic content.

There is no evidence in the case file that the parties engaged in any negotiations or settlement discussions in respect of the disputed domain name.

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

- i) the disputed domain name is confusingly similar to the Complainant's TELUS and TELUS HEALTH trademarks;
- ii) the Respondent has no rights and/or legitimate interests in the disputed domain name because the Respondent has no relationship with the Complainant, and Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the trademark TELUS, the use made of the disputed domain name to redirect traffic to a website with pornographic content is not a bona fide offering of goods or services under the Policy, the Respondent has never been commonly known by reference to the disputed domain name, and there has been no legitimate noncommercial or fair use being made of the disputed domain name;

- iii) the disputed domain name was registered and is being used in bad faith because the Respondent was aware of the Complainant's use of the trademarks TELUS and TELUS HEALTH prior to the registration of the disputed domain name, the Complainant's trademarks TELUS and TELUS HEALTH are famous and the mere registration of a domain name that contains famous marks may create a presumption of bad faith, the disputed domain name was registered by the Respondent for commercial gain and/or to disrupt the Complainant's business, including by causing initial interest confusion.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

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

The Respondent's default does not automatically result in a decision in favour of the Complainant, however paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a Response as it considers appropriate.

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 relevant trademarks are TELUS and TELUS HEALTH. Each is entirely reproduced within the disputed domain name. The hyphenation of the disputed domain name does not prevent a finding of confusing similarity for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, for the purposes of the Policy, the disputed domain name is identical and/or confusingly similar to Complainant's TELUS HEALTH trademark and, further, is confusingly similar to the Complainant TELUS trademark. [WIPO Overview 3.0](#), section 1.7.

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). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [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 Panel finds 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.

These include the circumstances set out in paragraph 4(b)(iv) of the Policy where:

by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 respondent’s website or location or of a product or service on the respondent’s website or location.

The Panel also notes that given that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative, even where a complainant may not be able to demonstrate the literal or verbatim application of one of the scenarios at paragraph 4(b) of the Policy, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to the complainant’s trademark would also satisfy the complainant’s burden. [WIPO Overview 3.0](#), section 3.1.

In the present case, the Panel notes that the Respondent has used the disputed domain name, which contains the Complainant’s well-known trademarks in their entirety, to redirect Internet users to a commercial website that is unrelated to the Complainant, and which displays pornographic content.

In these circumstances, it is clear that the Respondent has registered and used the disputed domain name to confuse and mislead Internet users, thereby abusing and taking unfair advantage of the Complainant’s trademarks.

This conduct could also be detrimental to the Complainant’s trademark. The use of a third party trademark in connection with pornographic content has been found by other panels to constitute an act that does or has potential to tarnish the trademark and, accordingly, to constitute evidence of bad faith. See [WIPO Overview 3.0](#), section 3.12. See also *Red Bull GmbH v. Whois Agent, Domain Protection Services, Inc. / esco escortlar, escort sitesi*, WIPO Case No. [D2017-1639](#) (finding the respondent’s use of the domain for a pornographic website constituted “a strong indication of bad faith registration and use,” because it showed respondent’s main purpose was “to create a likelihood of confusion among customers and/or to tarnish the Complainant’s RED BULL trademark for commercial gain or any other illegitimate benefit”).

In addition, panels have consistently found that the mere registration by an unaffiliated entity of a domain name that is identical or confusingly similar to a famous or widely-known trademark can by itself create a presumption of bad faith. As noted above the Respondent did not respond to the Complaint. It has therefore done nothing to rebut this presumption.

Noting the widespread use and recognition of the Complainant's TELUS and TELUS HEALTH trademarks and the Respondent's misleading and potentially-tarnishing use of the disputed domain name, as well as its failure to respond to the Complaint, the Panel finds that the Complainant has established the third element of the Policy.

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 <telus-health.com> be transferred to the Complainant.

/Aaron Newell/

Aaron Newell

Sole Panelist

Date: October 1, 2025