

ADMINISTRATIVE PANEL DECISION

Goulet Septic Pumping and Design Ltd. v. John Lavoie
Case No. D2025-4273

1. The Parties

The Complainant is Goulet Septic Pumping and Design Ltd., Canada, represented by Hammonds LLP, Canada.

The Respondent is John Lavoie, Canada.

2. The Domain Name and Registrar

The disputed domain name <gouletseptic.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 October 17, 2025. On October 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 21, 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 (Fusion Septic) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 21, 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 the amendments to the Complaint on October 23, 2025, and October 24, 2025. The Complainant filed the amended Complaints on October 27, 2025, and October 28, 2025.

The Center verified that the Complaint together with the amendments to the Complaint and 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 November 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. The Respondent did not submit any formal response. The Respondent sent email communications to the Center on October 27, 2025, and November 18, 2025. Following the communication October 27, 2025 it was unclear whether the parties intended to attempt to settle. On November 3, 2025 the Center sought clarification whether the Complainant intended to seek a suspension of the proceedings. The Complainant replied on the same day advising “We are not requesting a suspension at this time”.

The Center subsequently appointed Aaron Newell as the sole panelist in this matter on December 3, 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.

On December 26, 2025 the Panel issued a Procedural Order (“the Procedural Order”) on the following terms:

The Panel has reviewed the case file and issues the following procedural order, which has two parts:

i) noting that a) the Respondent has twice expressed that it no longer wishes to retain the disputed domain name and b) the Complainant is seeking transfer of the disputed domain name, the Panel considers that the parties may wish to revisit using the WIPO Center’s Standard Settlement Form which, if executed by the parties, would result in the disputed domain name either being cancelled or transferred to the Complainant without issuance of decision. The parties may wish to refer to section 4.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](https://www.wipo.int/amc/en/domains/search/overview3.0/)”): “Paragraph 17 of the UDRP Rules makes clear that a proceeding may be suspended to facilitate settlement negotiations, or to implement a settlement agreement between the parties. [...] Following panel appointment: a request from the parties to suspend the proceedings to explore settlement options after panel appointment is subject to the discretion of the panel. In the event of a settlement, the panel would normally terminate the proceedings in accordance with paragraph 17 of the UDRP Rules. In such a post-panel-appointment scenario however, no fee refund would be available.” The WIPO Overview can be found here <https://www.wipo.int/amc/en/domains/search/overview3.0/>;

ii) the Panel has reviewed the Complaint and notes that no Response has been filed. The Panel notes that the Complainant’s case relies entirely upon unregistered trademark rights. The Panel accepts the Complainant’s case that in principle unregistered trademark rights are sufficient to satisfy the requirement of paragraph 4(a)(i) of the Policy. The Panel is however at present doubtful that the information set out in the Complaint establishes that such rights subsist, noting in particular the requirements set out in the guidance contained at section 1.3 of [WIPO Overview 3.0](https://www.wipo.int/amc/en/domains/search/overview3.0/), “To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant’s goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys. [...]”. The Panel considers it appropriate to seek clarification of the Complainant’s case in this regard. It would assist the Panel if the clarification included an explanation of how unregistered rights are established in the Complainant’s jurisdiction, and set out how any further material provided by the Complainant meets the requirements.

Pursuant to paragraphs 10 and 12 of the UDRP Rules, the Panel orders:

Noting the intervening holiday period, the parties are granted until January 9, 2026 to resolve the matter by settlement. In the event that no settlement is reached by this date, the Complainant may by January 16, 2026 file a Supplemental Statement not exceeding 5,000 words which explains the basis on which unregistered trademark rights subsist, and substantiates the asserted rights with relevant supporting evidence as the Complainant considers necessary to support its assertions.

In the event that the Complainant makes this further Supplemental Submission, the Respondent is granted until January 23, 2026 to indicate whether it wishes to file anything in response. If it so indicates the Panel will give further directions as to the time for such filing, otherwise the Panel will render its decision by February 4, 2026.

The Parties’ submission should be limited to the above request, and submitted to the Center via [email], copying the other Party.

Following the Procedural Order the Parties exchanged a number of emails. No settlement was reached.

On January 14, 2026 the Complainant filed a Supplemental Submission pursuant to the Procedural Order. The Respondent did not indicate that it wished to respond.

4. Factual Background

The Complainant is a septic solution and waste removal business based in Ontario, Canada. It alleges that it has been in operation since at least 2017 by reference to the unregistered trademark GOULET SEPTIC. Its ownership and management changed in March 2025.

The Complainant does not assert ownership of any registered trademark rights. It claims that it enjoys common law trademark rights in “Goulet Septic” based on “continuous use” of that name in Ontario in respect of its septic solution and waste removal business since at least 2017. The Complainant's Supplemental Submission contains evidence intended to support this claim.

The disputed domain name was created on July 17, 2025. At the time of filing the Complaint, and at the time of writing this decision, the disputed domain name redirected to the domain name < fusionseptic.ca>, which the Complainant alleges is the website of a business that competes with its own in/around Glengarry County in Ontario, Canada, and that it is associated with the Respondent.

The Respondent did not file a formal response to the Complaint.

5. Parties' Contentions

A. Complainant

By way of the Complaint and the Supplemental Submission, the Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In particular the Complainant contends that:

- i) the disputed domain name is identical to the Complainant's trade name GOULET SEPTIC, in which the Complainant enjoys common law trademark rights;
- ii) the Respondent has no rights or legitimate interests in the disputed domain name, in particular because the respondent is not commonly known by the name GOULET SEPTIC, the Respondent has not been licensed, authorized or otherwise permitted to use the name GOULET SEPTIC, and the use of the disputed domain name by the Respondent solely to redirect traffic to its competing business is not a bona fide offering of goods or services; and
- iii) the disputed domain name was registered and is being used in bad faith because the Respondent registered the disputed domain name primarily to disrupt the Complainant's business, to divert customers, and to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant.

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 it 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 is being used in bad faith.

The Respondent's default does not automatically result in a decision in favor of the Complainant.

Paragraph 5(f) of the Rules does however provide 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 3.0](#), section 1.7.

In the absence of relevant registered trademark rights, the Complainant must demonstrate that it owns relevant unregistered trademark rights.

As set out in the [WIPO Overview 3.0](#), Section 1.3:

"To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys.

...

Specific evidence supporting assertions of acquired distinctiveness should be included in the complaint; conclusory allegations of unregistered or common law rights, even if undisputed in the particular UDRP case, would not normally suffice to show secondary meaning."

In support of its claim to unregistered trademark rights, the Complainant provides an affidavit sworn by Mr Albert John Renaud who, as set out in the record, became a director of the Complainant on March 21, 2025.

In his single-page affidavit, Mr Renaud relies on assertions that the name GOULET SEPTIC has been used by the Complainant in "Eastern Ontario" since 2017, and that "Customers and the public identify the name 'Goulet Septic' with the [Complainant] and its services".

In support of these assertions, Mr Renaud provides the following evidence:

- i) two undated, unaddressed documents referred to as "sample invoices", both of which feature the GOULET SEPTIC name. Each sets out a list of products and corresponding costs, but no other commercial information. They are incomplete and do not appear to have been issued to any customer, at least not in the form presented. There are no indications otherwise;

- ii) another document described as a “sample invoice” and which features e.g., both a customer name and a date in September 2025, but is otherwise distorted so as to render much of its content unclear. There is no assertion as to whether this sample invoice was actually issued to a paying customer;
- iii) a copy of the landing page for the Complainant’s website at “www.gouletseptic.ca” (but, for example, no indications of website traffic);
- iv) a copy of an undated document that appears to be a sample advertisement featuring the GOULET SEPTIC trademark. There is no context as to whether the advertisement was in fact published, circulated or viewed by or exposed to anyone external to the Complainant’s business;
- v) a copy of an article that appears to have been produced by an employee of Desjardins Ontario Credit Union, a financial institution. The article details how Desjardins Ontario Credit Union provided services to support the sale of the Complainant’s business, and features the caption “Desjardins is proud to have supported both parties with their business transfer project”. The article is not accompanied by any indication as to whether and/or to what extent it was ever published, circulated or viewed. It appears to be promotional material for Desjardins Ontario Credit Union, and not directly promotional of the Complainant’s business;
- vi) a screenshot of what appears to be a social media post featuring an image of a number of individuals in front of what appears to be a waste management vehicle that features the GOULET SEPTIC trademark. There is little context provided, and the relevant social media platform is not identified.

Pursuant to the Procedural Order, the Complainant’s Supplemental Submission contained the following additional evidence:

- vii) financial statements between 2019 and 2024 detailing growing revenue during this time by reference to the GOULET SEPTIC name;
- viii) marketing and promotion of the GOULET SEPTIC name by way of social media between 2015 and 2025;
- ix) instances of press coverage in special-interest media;
- x) a satisfactory explanation of how unregistered trademark rights arise in Canada through the use and recognition of a given name.

While the evidence demonstrates use and recognition of the Complainant’s GOULET SEPTIC trademark in an area known as the unified Stormont, Dundas and Glengarry Counties, unregistered trademark rights can subsist while being limited to a particular locality such as this.

The Panel further notes in this regard that the Respondent’s business under the FUSION SEPTIC name also services this same locality. The Panel is entitled, in the circumstances, to draw the inference that the Respondent was aware of the Complainant’s use of and business under the GOULET SEPTIC name at the time of registration of the disputed domain name, as the parties do appear to offer competing waste management services within the same locality. In this regard, the Panel also notes that the Respondent had an opportunity to challenge and/or rebut the existence of the Complainant’s unregistered trademark rights. It did not do so.

On this basis, the Panel finds that, while the evidence is not overwhelming, it is on the balance of probabilities likely that the Complainant’s GOULET SEPTIC name has become a distinctive identifier which consumers associate with the Complainant’s services within the meaning of [WIPO Overview 3.0](#), Section 1.3., and that it operates as an unregistered and/or common law trademark of the Complainant in respect of its waste management services, at least in/around the Stormont, Dundas and Glengarry Counties area in Ontario, Canada.

Accordingly, the Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

Further, the entirety of the Complainant's 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.

On this basis, 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.

Further, it should be noted again here that the disputed domain name has been and continues to be used to redirect Internet users to the domain name <fusionseptic.ca>. A respondent's use of a complainant's mark to redirect users (e.g., to a competing site) does not support a claim to rights or legitimate interests. [WIPO Overview 3.0](#), section 2.5.3.

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.

In the present case, the Panel notes that the disputed domain name has been used by the Respondent to redirect internet users to the domain name <www.fusionseptic.ca> where the Respondent's competing services are advertised.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

These include those set out at Paragraph 4(b)(iv):

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site 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 your web site or location or of a product or service on your web site or location.

Panels have consistently found that the use of a domain name to redirect internet users to a competitor's website constitutes evidence that a respondent has registered a domain name to attract, for commercial

gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark.
[WIPO Overview 3.0](#), section 3.1.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <gouletseptic.com> be transferred to the Complainant.

/Aaron Newell/

Aaron Newell

Sole Panelist

Date: February 9, 2026