

ADMINISTRATIVE PANEL DECISION

TELUS Corporation v. Marc Trottier, PropulsionMarketing.net
Case No. D2026-1659

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 (“United States”).

The Respondent is Marc Trottier, PropulsionMarketing.net, Canada.

2. The Domain Name and Registrar

The disputed domain name <publicmobilerefferral.com> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 19, 2026. On April 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 21, 2026, 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 (DATA REDACTED / DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 22, 2026, 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 April 24, 2026.

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 April 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2026. The Response was filed with the Center on May 12, 2026. The Complainant submitted his comments on the Response on May 16, 2026, which were responded to by the Respondent on May 19, 2026.

The Center appointed Christelle Vaval as the sole panelist in this matter on May 27, 2026. 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.

The Panel has determined in this case to admit the Complainant's unsolicited supplemental filing of May 16, 2026 and the Respondent's reply of May 19, 2026 to that filing. While unsolicited filings are discouraged, the Panel notes that the filings are brief and respond to matters raised in the Response. The Panel also notes that the Respondent is not prejudiced by the admission of these filings, having had an opportunity to reply to the Complainant's supplemental filing.

4. Factual Background

The Complainant is a major Canadian communications technology company. The Complainant operates in over 45 countries, generates over 20 billion in annual revenue, and serves over 21 million customers connections. The Complainant offers prepaid mobile service under the trademark PUBLIC MOBILE.

The Complainant is the owner of Canadian trademark registration number TMA769850 for the word mark PUBLIC MOBILE, registered on June 16, 2010.

The Complainant is the registrant of the domain name <publicmobile.ca> registered on November 19, 2008.

The Respondent registered the disputed domain name <publicmobiler referral.com> on March 26, 2020. The Complainant submits that the website at the disputed domain name allegedly offers services identical to those provided by the Complainant under the PUBLIC MOBILE brand. The disputed domain name has also been configured with MX records.

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.

First, the Complainant contends that the disputed domain name is confusingly similar to its PUBLIC MOBILE trademark because it incorporates the mark in its entirety. The Complainant further submits that the incorporation of the term "referral" in the disputed domain name does not prevent finding of confusing similarity.

The Complainant further asserts that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Respondent has no authorization to register the disputed domain name or use the PUBLIC MOBILE trademark and is not known by that domain name. In fact, the Respondent breaches the PUBLIC MOBILE terms and conditions, which restrict commercial use of the trademark without written permission. Moreover, the Complainant claims that the Respondent's use of the disputed domain name offers services identical to those provided by the Complainant under the PUBLIC MOBILE brand. The Respondent is not genuinely offering goods or services, nor engaging in legitimate noncommercial or fair use of the disputed domain name. Instead, they use false testimonials and stock images to appear legitimate. The MX record setup may also enable fraudulent communications.

Third, the Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant argues that the Respondent registered the disputed domain name with knowledge of the Complainant's PUBLIC MOBILE's trademark and has used the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's trademark and the disputed domain name. The Complainant further relies on the Respondent's alleged violation of the Complainant's Public Mobile Terms and Conditions.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

First, the Respondent argues that he has rights and legitimate interests in the disputed domain name. The disputed domain name is an independent informational website related to the Complainant's Public Mobile services and its referral program. The Respondent contends that the website to which the disputed domain name directs contains original informational content developed over several years, including information on device compatibility, customer service, navigation, reward explanations, plan information, and practical user guidance.

Second, the Respondent claims that the website directed users to the Complainant's official website to complete any sign-up process and did not offer any competing services, did not process transactions, and did not promote competing carriers or unrelated services. Upon learning of the dispute, the Respondent further clarified the disputed domain name website's independent status and removed any potentially confusing elements. The Respondent further states that he is a genuine Public Mobile customer participating in the Complainant's referral program and has used the disputed domain name to describe the subject matter of the website.

Third, the Respondent denies any bad faith registration or use of the disputed domain name. The Respondent submits that the disputed domain name was not registered for impersonation, resale, disruption of Complainant's business, or diversion towards competing services, and the disputed domain name website does not request Public Mobile account credentials, process transactions, or represent itself as an official Public Mobile platform. Any email functionality is limited to providing referral information and is not used for other purposes.

6. Discussion and Findings

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "referral" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), 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.

Indeed, the Complainant stated that it had not authorized the Respondent to register or use its PUBLIC MOBILE trademark, and there is no evidence that the Respondent or its business, PropulsionMarketing.net, has been commonly known by the disputed domain name.

Under paragraph 4(c)(i) of the Policy, the Respondent contends that he used the disputed domain name for an independent informational website about the Complainant’s services and referral program. He further states that the website contained original content and directed users to the Complainant’s official website to complete any signup process. The Panel accepts that the Respondent appears to have made actual use of the disputed domain name before notice of the dispute. However, because the disputed domain name incorporates the Complainant’s PUBLIC MOBILE trademark in its entirety and adds the term “referral,” which directly relates to the Complainant’s referral program, it creates a clear risk of implied affiliation. The website associated with the disputed domain name also repeatedly used the Complainant’s mark in connection with that program. Such use does not constitute a bona fide offering of goods or services in the circumstances of this case.

Under paragraph 4(c)(iii) of the Policy, the Respondent argues that the website was independent and informational and did not process transactions, promote competing carriers, or request Public Mobile account credentials. The Panel is not persuaded. By combining the Complainant’s trademark with the term “referral,” the disputed domain name suggests an official or authorized source of information about the Complainant. The record also shows that the Respondent used the website in connection with referral-code activity from which he could benefit under the Complainant’s referral program.

The Panel further notes that while the word “referral” in the disputed domain name might suggest to some Internet users that it is a third party site, in the circumstances of this case confusion may still arise. The Complainant runs a “Refer-a-Friend” service and has a “My Referrals” section on its own official website. Therefore the term “referral” is directly associated with the Complainant’s own referral program, such that Internet users encountering the disputed domain name are likely to understand it as referring to an official or authorized source connected with that program, which it is not.

The Panel further notes that the presence of a disclaimer on the website does not impact this assessment. The Respondent clearly had knowledge of the Complainant and its PUBLIC MOBILE trademark and its own official referral program, not only as demonstrated by the website but given its own relationship with the Complainant. Such knowledge of the Complainant’s referral program and the subsequent registration and use of the disputed domain name creates a likelihood of confusion as to source, sponsorship, or affiliation, regardless of the presence of a disclaimer.

The Panel finds, also in light of the Panel’s further findings under the third element of the Policy, 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.

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 3.1](#), section 3.2.1.

In the case at hand, the Panel finds that the Respondent registered and used the disputed domain name in bad faith for the following reasons:

1. The Respondent was aware of the Complainant's PUBLIC MOBILE trademark and the Complainant's referral program when he registered the disputed domain name.
2. The disputed domain name combines the Complainant's trademark with the term "referral," creating in the circumstances here the impression of an association with or endorsement by the Complainant. As noted in section 3.2.1 of [WIPO Overview 3.1](#), both the nature of the disputed domain name and the content of the associated website are relevant to the bad-faith findings. The Panel notes that while it could be argued that the word "referral" in the disputed domain name signals a third party service, this does not dispel the likelihood of confusion in the circumstances of this case. On the contrary, given that "referral" directly references the Complainant's own referral program, Internet users are likely to perceive the disputed domain name as an official or authorized source connected with that program, thereby reinforcing rather than diminishing the risk of confusion.
3. The presence of a disclaimer on the website does not prevent a finding of bad faith in the circumstances of this case. The Panel also finds that the Respondent's efforts, upon being notified of the dispute, to clarify that the website was independent, further supports the conclusion that the site had previously been confusing or misleading to Internet users.

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 <publicmobilereferal.com> be transferred to the Complainant.

/Christelle Vaval/

Christelle Vaval

Sole Panelist

Date: June 10, 2026