

ADMINISTRATIVE PANEL DECISION

HQ Gaming Events LTD v. Kevin Wells, Power Up Gaming
Case No. D2026-1711

1. The Parties

The Complainant is HQ Gaming Events LTD, Canada, represented internally.

The Respondent is Kevin Wells, Power Up Gaming, Canada, self-represented.

2. The Domain Name and Registrar

The disputed domain name <torontogameexpo.com> is registered with Domain.com – Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2026. On April 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 amended 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 27, 2026. In accordance with the Rules, paragraph 5, the original due date for Response was May 17, 2026. On May 11, 2026, upon the Respondent’s request, the Center confirmed that the automatic four-day extension for Response was granted, the new due date for Response was May 21, 2026. The Response was filed with the Center on May 21, 2026.

The Center appointed Eric Macramalla as the sole panelist in this matter on June 4, 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.

4. Factual Background

The Complainant is an Ontario corporation which organizes and operates video game conventions and gaming-related events in Ontario, Canada.

The Complainant promotes its services through its website located at “www.torontogameexpo.ca”. This domain name was registered on September 27, 2022.

The Complainant is relying on common law trademark rights in TORONTO GAME EXPO (the “TORONTO GAME EXPO Trademark”) by virtue of use in Canada dating back to September 2022 beginning with the organization and operation of a large-scale video game vendor convention in Toronto, Ontario. The TORONTO GAME EXPO Trademark was used in association with ticket sales, vendor registrations, advertising, sponsorships and live event services. The Complainant began organizing the event, securing venue arrangements and communicating with vendors and participants beginning in September 2022.

Insofar as evidence of common law trademark rights in the TORONTO GAME EXPO Trademark, the Complainant has relied on the following:

- 1) A venue contract featuring the TORONTO GAME EXPO Trademark as entered into between the Complainant and The Board of Governors of Exhibition Place. The agreement was executed in September 2022.
- 2) A Facebook promotional posting dated December 8, 2022, featuring the TORONTO GAME EXPO Trademark inviting vendor bookings.
- 3) The registration of the domain name <torontogameexpo.ca> on September 27, 2022.
- 4) Promotional materials dated December 9, 2022, featuring the TORONTO GAME EXPO Trademark inviting vendor bookings.

The disputed domain name was registered on December 9, 2022. At the time of the filing of the Complaint and at the time of the Decision, the disputed domain name has been made to redirect to the Respondent’s website located at “www.powerupgaming.ca”. The disputed domain name was previously inactive from the domain name registration date through to 2025. The Respondent’s website promotes the sale of video game consoles, games and accessories.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the three elements required under paragraph 4(a) of the Policy for the transfer of the disputed domain name.

The Complainant has alleged that the disputed domain name is confusingly similar with TORONTO GAME EXPO Trademark in which it has common law or unregistered trademark rights. The Respondent has incorporated the whole of the TORONTO GAME EXPO Trademark in the disputed domain name.

The Respondent has no rights or legitimate interests in the disputed domain name as contemplated by paragraph 4(c) of the Policy. The Complainant has not authorized the Respondent to use the TORONTO GAME EXPO Trademark and is not otherwise connected to the Respondent. The disputed domain name was registered after the Complainant began using the TORONTO GAME EXPO Trademark. The Respondent's activities do not constitute a bona fide offering of goods or services, the Respondent is not commonly known by the disputed domain name, and the Respondent is not making any legitimate noncommercial or fair use of the domain name. Rather, the Respondent is using the disputed domain name to mislead consumers and divert them for commercial gain to its website.

The disputed domain name was registered and is used in bad faith as per paragraph 4(b)(iv) of the Policy. The Respondent is intentionally attempting to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant's trademarks as to the source or sponsorship. The Respondent's passive holding of the disputed domain name constitutes bad faith.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy.

The Complainant has failed to establish the first element of the Policy, namely, that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Respondent contends that the Complainant has failed to establish sufficient common law or unregistered trademark rights in the TORONTO GAME EXPO Trademark at the time the disputed domain name was registered, namely December 9, 2022. The Respondent concedes that the disputed domain name is perceptually identical to "Toronto Game Expo". The Respondent argues that in light of the registration date being just one day after the social media announcement, the Complainant's TORONTO GAME EXPO Trademark was not sufficiently distinctive such that it could reasonably give rise to enforceable trademark rights. The Respondent also contends that the phrase "Toronto Game Expo" is descriptive, combining a geographic term and generic event wording.

The Respondent further argues that it has demonstrated a legitimate interest in the disputed domain name. The Respondent maintains that the disputed domain name was registered as part of a broader gaming-related business strategy associated with its business, Power Up Gaming. The Respondent has indicated it owns a portfolio of gaming, e-sports, geographic, and event-related domain names, including registrations dating back to 2019 such as <esportsbarrie.com> and <esportsbarrie.ca>. Redirecting domain names to websites, such as <powerupgaming.ca>, does not undermine a claim of legitimate interests.

The Complainant has failed to establish the disputed domain name was registered and is being used in bad faith based upon the following: (i) there was no registered trademark in December 2022, (ii) the Complainant's first public announcement occurred only hours before registration wherein the descriptive phrase had not yet acquired distinctiveness, (iii) the Respondent was unaware of the Complainant and its Facebook post, (iv) similar third-party use makes it less likely that the disputed domain name specifically targeted the Complainant, and (v) the Respondent never offered to sell the disputed domain name demanded money, or engaged in a broader pattern of targeting the Complainant.

The Respondent also argues that passive holding alone does not establish bad faith, particularly where the Complainant does not own a registered trademark and has not established common law rights that predate the domain name registration date.

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.

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. [WIPO Overview 3.1](#), section 1.3.

The Panel finds that the Complainant has established the requisite unregistered trademark rights such that the subject trademark is sufficiently distinctive and may properly give rise to enforceable trademark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3. The Panel finds that the Complainant began using the TORONTO GAME EXPO Trademark in September 2022 (and not December 8, 2022) in association with the organization of a large-scale gaming convention in Toronto. At that time, the Complainant undertook event-planning activities, including venue arrangements and communications with vendors and participants all in association with the TORONTO GAME EXPO Trademark. The Panel does not rely on the existence of the License Agreement with the Board of Governors of Exhibition Place, by itself, as evidence of trademark rights. Rather, the totality of the record supports the position that the Complainant was the owner of unregistered trademark rights in September 2022 that predate the disputed domain name registration date.

The Panel also concludes that in the event that the Complainant's trademark use commenced on December 8, 2022 (which does not appear to be the case), the timing of the Respondent's registration suggests that the unregistered TORONTO GAME EXPO Trademark had achieved significance as a source identifier.

The Panel further notes that the unregistered TORONTO GAME EXPO Trademark is not descriptive. While it is comprised of descriptive words, the mark as a whole is capable of functioning as a source indicator.

The entirety of the unregistered mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the unregistered mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 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. Accordingly, 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, on a balance of probabilities, that 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, licensed, or otherwise permitted the Respondent to use the TORONTO GAME EXPO Trademark in any manner, including as part of a domain name. There is also no evidence that the Respondent is commonly known by the disputed domain name. The Respondent's company is Power Up Gaming. There is also no basis to conclude that the Respondent is making legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

There is also no evidence that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

On the contrary, the Respondent has directed the disputed domain name to his own website located at "www.powerupgaming.ca", which promotes the sale of video game consoles, video games, and accessories. These goods overlap with the Complainant's field of activity. In the view of the Panel, the Respondent targeted the Complainant with a view to piggybacking on its trademark rights for financial gain. In light of these circumstances, the Respondent has failed to demonstrate rights or legitimate interests in the disputed domain name.

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.

While 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, other circumstances may also 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.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3.

Circumstances the Panel may take into account in assessing whether the respondent's registration of a domain name is in bad faith include the timing and circumstances of the registration. [WIPO Overview 3.1](#), section 3.2.1.

In the present case, the disputed domain name is identical to the Complainant's unregistered trademark and is therefore likely to cause confusion among Internet users as to the source, affiliation, or sponsorship of the associated website. By using the disputed domain name as outlined, the Respondent is positioned to obtain a commercial benefit from the resulting confusion. The timing of the disputed domain name registration also suggests that the Respondent was targeting the Complainant. Furthermore, in the current circumstances, the three years of passive use of the disputed domain name contributes to a finding of bad faith for purposes of the Policy.

Taking into account the totality of the circumstances, including the composition of the disputed domain name, the overlap in the fields of activity, the timing of the domain name registration, the passive holding of the disputed domain name and the current use of the disputed domain name (redirecting to the Respondent's website www.powerupgaming.ca), the Panel finds, on a balance of probabilities, that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

The Panel therefore 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 <torontogameexpo.com> be transferred to the Complainant.

/Eric Macramalla/

Eric Macramalla

Sole Panelist

Date: June 18, 2026