

ADMINISTRATIVE PANEL DECISION

Sceptiques du Québec Inc. v. Tommy Gaudet
Case No. D2026-2866

1. The Parties

The Complainant is Sceptiques du Québec Inc., Canada, represented internally.

The Respondent is Tommy Gaudet, Canada.

2. The Domain Name and Registrar

The disputed domain name <sceptiquesduquebec.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 July 1, 2026. On July 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 2, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 July 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 2, 2026. The Response was filed with the Center on July 31, 2026.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on September 1, 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 a non-profit organization founded under the laws of Québec on June 3, 1987, whose primary purpose is to encourage critical and scientific investigation of paranormal phenomena and pseudoscience, and to promote rational thinking and critical thinking.

The Complainant has operated under the name “LES SCEPTIQUES DU QUÉBEC” through, inter alia, public conferences and articles, and the publication of the periodical “Le Québec Sceptique”. The Complainant also relies on a Facebook page and a website <sceptiques.qc.ca>, registered on October 18, 2000.

The disputed domain name was registered by the Respondent on April 14, 2026, and resolves to a website with a banner “*Nous sommes sceptiques du Québec...*”, (“We are skeptics of Quebec...”) “*et de sa dérive haineuse actuelle*” (“and of its current hateful drift”) and a manifesto on what the Respondent characterizes as a recent shift in the Complainant’s positions, in particular on issues concerning transgender people and other minorities. The website also provides informational content and links to resources concerning civil rights, transgender and LGBT+ matters, and minority rights.

The Complainant sent the Respondent a cease-and-desist letter on May 7, 2026, requesting the transfer of the disputed domain name. In response, the Respondent requested CAD 5,000 in exchange for the transfer 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 it has acquired unregistered service mark rights in LES SCEPTIQUES DU QUÉBEC, and in its dominant element SCEPTIQUES DU QUÉBEC, through continuous use since 1987 in connection with its activities promoting critical and rational thinking and disseminating scientific information. The Complainant relies in particular on its longstanding online presence, public conferences, membership, and recognition in Quebec media as evidence that LES SCEPTIQUES DU QUÉBEC has acquired distinctiveness. According to the Complainant, the disputed domain name is confusingly similar to LES SCEPTIQUES DU QUÉBEC, as it reproduces SCEPTIQUES DU QUÉBEC in its entirety, the omission of the article “Les”, spaces, and the accent on “Québec” being insufficient to prevent a finding of confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name and has no trademark or service mark rights in “Sceptiques du Québec” or its equivalent with no accents. The Complainant further submits that the Respondent’s use of the disputed domain name as a criticism website does not constitute legitimate noncommercial or fair use, notably because the disputed domain name reproduces the SCEPTIQUES DU QUÉBEC element of the Complainant’s mark, allegedly creating an impression of affiliation with the Complainant and is used with the intent to tarnish the name “Sceptiques du Québec”.

Finally, the Complainant argues that the disputed domain name was registered and is being used in bad faith. According to the Complainant, the Respondent registered the disputed domain name with full knowledge of the Complainant and specifically to target it. The Complainant further relies on the Respondent’s offer, following receipt of the cease-and-desist letter, to transfer the disputed domain name for CAD 5,000, as well as on the alleged use of the disputed domain name to impersonate, disparage, and disrupt the Complainant.

B. Respondent

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

The Respondent first submits that the Complainant owns no registered trademark and has failed to establish unregistered trademark or service mark rights in LES SCEPTIQUES DU QUÉBEC. In particular, the Respondent argues that the terms “Sceptiques” and “du Québec” are descriptive and geographical, respectively, and that the evidence does not establish that the expression has acquired distinctiveness as a source identifier. The Respondent further submits that the website at the disputed domain name is clearly distinguishable from the Complainant’s website and does not reproduce the Complainant’s logo or otherwise purport to be affiliated with it.

The Respondent further contends that it has rights or legitimate interests in the disputed domain name because it is used for a genuine noncommercial and informational website addressing transgender and LGBT+ rights matters, minority rights, and civil liberties, while criticizing the views of the Complainant and its current leadership, in particular concerning transgender people. The Respondent submits that the website was developed and launched before notice of the dispute, does not contain advertising or generate revenue, and constitutes legitimate noncommercial or fair use.

Finally, the Respondent denies having registered or used the disputed domain name in bad faith. The Respondent submits that the disputed domain name was registered for the purpose of creating an informational and critical project, and not to impersonate the Complainant or sell the disputed domain name. According to the Respondent, the website makes its critical purpose apparent, does not seek to mislead Internet users as to its affiliation with the Complainant, and does not derive any commercial gain from the disputed domain name.

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 Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

As noted in section 1.3 of the [WIPO Overview 3.1](#), to establish unregistered or common law trademark rights for purposes of the UDRP, a complainant must demonstrate that the relevant sign has become a distinctive identifier which consumers associate with the complainant’s goods or services. Relevant evidence may include, inter alia, the duration and nature of use of the mark which may include social media presence, the nature and extent of advertising, the degree of actual public recognition. The fact that a respondent is shown to have been targeting the complainant’s mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or other instruments) may also support the complainant’s assertion and evidence that its mark has achieved significance as a source identifier.

The Complainant relies on its use of its names SCEPTIQUES DU QUÉBEC since 1987 and LES SCEPTIQUES DU QUÉBEC since 2000. The Panel notes that the expression is composed of the general term “sceptiques” and the geographical designation “du Québec”, such that relevant and sufficient evidence of acquired distinctiveness is required. The Panel further notes that some of the evidence relied upon by the Complainant, in particular the periodical “Le Québec Sceptique”, concerns a different expression and is therefore of limited relevance to establishing rights in LES SCEPTIQUES DU QUÉBEC.

Nevertheless, taken as a whole, the evidence provided by the Complainant shows longstanding use of LES SCEPTIQUES DU QUÉBEC in connection with the Complainant's activities, including on the Complainant's Facebook page, and website <sceptiques.qc.ca>, as well as third-party media references identifying the Complainant under that name. The Panel also notes that the Respondent deliberately selected the expression "Sceptiques du Québec" for a website specifically directed at the Complainant. Consistent with section 1.3 of the [WIPO Overview 3.1](#), such targeting may support the conclusion that the claimed name has achieved significance as a source identifier.

The Panel therefore finds that the Complainant has established unregistered service mark rights in LES SCEPTIQUES DU QUÉBEC for the purposes of the Policy.

The Panel finds the mark is recognizable 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.

The omission of the article "Les", as well as the absence of spaces and of the accent on "Québec", does not prevent a finding of confusing similarity between the Complainant's service mark and the disputed domain name. The generic Top-Level Domain ("gTLD") ".com" is disregarded for purposes of the comparison. [WIPO Overview 3.1](#), section 1.11.1.

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.

To rebut the Complainant's prima facie showing, the Respondent relies principally on paragraph 4(c)(iii) of the Policy, submitting that the disputed domain name is used for a genuine noncommercial criticism and educational website and that the website does not contain advertising or generate revenue.

UDRP jurisprudence recognizes that the use of a domain name for genuine criticism may in principle support a respondent's claim to a legitimate interest. In assessing such a claim, panels do not determine the veracity or accuracy of the criticism, or whether it may be defamatory, but rather whether the criticism is genuine and not a pretext for cybersquatting or commercial activity according to [WIPO Overview 3.1](#), sections 2.6 and 2.6.1.

The Panel accepts that the website is genuinely directed at criticizing the Complainant and that the evidence does not indicate that the Respondent derives commercial gain from the website. Nevertheless, the right to legitimate criticism does not necessarily extend to the registration or use of a domain name which is identical, or effectively impersonates, the trademark owner. Panels have increasingly found that such domain names may create an impermissible risk of user confusion through impersonation, even where the

associated website contains genuine noncommercial criticism. [WIPO Overview 3.1](#), sections 2.5.1 and 2.6.2.

In the present case, the disputed domain name differs from LES SCEPTIQUES DU QUÉBEC essentially by the omission of the definite article “Les” and the technical omission of spaces and the accent on “Québec”. The disputed domain name contains no additional term or other element indicating that it resolves to a criticism website. The Panel considers that these differences do not provide Internet users with a clear signal distinguishing the disputed domain name from the Complainant’s name or indicating the critical nature of the associated website.

The fact that the critical nature of the website becomes apparent once an Internet user reaches the website does not, in the circumstances, remove the risk of implied affiliation arising from the disputed domain name itself.

Accordingly, the Panel finds that the Respondent’s use of the disputed domain name does not constitute legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy.

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.

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 present case, the Respondent was plainly aware of the Complainant when registering the disputed domain name. In particular, the Panel notes that, on April 15, 2026, one day after registering the disputed domain name, the Respondent publicly referred to having acquired <sceptiquesduquebec.com>. Shortly thereafter, the disputed domain name was used for a website expressly directed at criticizing the Complainant and its current leadership, through content presented by the Respondent as educational. The Respondent itself explains that the project was created for that purpose. In the Panel’s view, the close temporal connection between the registration of the disputed domain name and these subsequent actions, together with the Respondent’s own explanation of the purpose of the project, supports the conclusion that the Complainant was already the intended target when the disputed domain name was registered. The choice of the disputed domain name was therefore deliberately directed at the Complainant. The nature of the disputed domain name, the content of the associated website, and the circumstances of its registration are relevant factors in assessing bad faith.

The Panel accepts that the Respondent’s criticism appears to be genuine and noncommercial. Such criticism does not, in itself, constitute bad faith or tarnishment under the Policy, [WIPO Overview 3.1](#), section 3.12.

However, the disputed domain name <sceptiquesduquebec.com> corresponds almost exactly to LES SCEPTIQUES DU QUÉBEC and contains no term indicating that the website is operated independently of the Complainant or for purposes of criticism. In light of the Respondent’s admitted purpose in selecting the disputed domain name, the Panel finds that it was deliberately registered and used in a form likely, at least initially, to be perceived as an official domain name of the Complainant, thereby drawing Internet users to the Respondent’s critical content.

Panels have found that, while the registration and use of a domain name for genuine noncommercial criticism may indicate a good faith intent, a domain name intentionally designed to appear as an official domain name of the trademark owner in order to disseminate critical views through resulting user confusion may constitute registration and use in bad faith.

The Panel has also considered the Respondent's subsequent offer to transfer the disputed domain name for CAD 5,000. Paragraph 4(b)(i) of the Policy requires circumstances indicating that the disputed domain name was registered primarily for the purpose of selling or otherwise transferring it to the Complainant for valuable consideration in excess of the Respondent's documented out-of-pocket costs. The assessment of such intent is highly fact-specific. In the present case, the disputed domain name had already been used for the criticism website before the Respondent received notice of the dispute. The Panel therefore does not consider it necessary to determine whether the subsequent offer independently establishes bad faith under paragraph 4(b)(i) of 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 <sceptiquesduquebec.com> be transferred to the Complainant.

/Christiane Féral-Schuhl/

Christiane Féral-Schuhl

Sole Panelist

Date: September 15, 2026