

ADMINISTRATIVE PANEL DECISION

Blanka Inc v. Saba Mohebpour, Innovation Labs Canada Technologies Inc.
Case No. DCO2025-0056

1. The Parties

The Complainant is Blanka Inc, Canada, internally represented.

The Respondents are Saba Mohebpour, and Innovation Labs Canada Technologies Inc., Canada.

2. The Domain Name and Registrar

The disputed domain name <blanka.co> 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 16, 2025. On July 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 (Private Registration, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 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 amended Complaint on July 28, 2025.

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 individual Respondent of the Complaint, and the proceedings commenced on July 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2025. The Center received email communications from a third party claiming to be the “authorized agent” of the Respondent on August 20 and August 23, 2025.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on September 8, 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.

Preliminary Matters

The named Respondent is an individual Saba Mohebpour but the Response has been filed on behalf of a corporation, namely Innovation Labs Canada Technologies Inc. The Panel has discretion to substitute or join another entity as a respondent by way of its general powers as set out in paragraph 10(a) of the Rules. The Panel notes that there appears to be a connection between the corporation and the named Respondent, and the Notice of Complaint was apparently forwarded by Mr. Mohebpour to the corporation for response. Further details are set out below. In the circumstances, the Panel believes it is appropriate to join the corporation as an additional Respondent in this matter, along with the original individual Respondent. For convenience, unless the context indicates otherwise, the Panel will refer to both entities as “the Respondent” in this Decision.

On October 14, 2025, the Panel issued Procedural Order No. 1 requesting the parties to provide additional evidence and submissions about possible common law rights in the BLANKA trademark arising before the registration of the disputed domain name on June 20, 2021. The Complainant filed its response on October 24, 2025, and the Respondent filed its response on October 28, 2025.

4. Factual Background

The Complainant is a Canadian corporation with its principal office in Vancouver, British Columbia, where it carries on business as a provider of print-on-demand white-label cosmetics and skincare products for online merchants. Its customers are located in Canada, the United States, and internationally. The Complainant maintains an official website at the domain <blankabrand.com>. The principal officer of the Complainant is Kaylee Astle.

The Complainant relies on the trademark registration for the word mark BLANKA, under United States of America (“U.S.”) Registration No. 7,319,781 for class 35 (online wholesale and retail store services for cosmetics) and class 42 (platform as a service featuring software platforms to automate the process of branding products and packaging). The application for this mark was filed on November 11, 2022, and it issued to registration on March 5, 2024.

The Respondent Saba Mohebpour is an individual residing in the city of Vancouver. He appears to be involved in various businesses including Spocket Inc. and Jubilee. He is the registered owner of the disputed domain name, which was registered on June 20, 2021. At various times the disputed domain name has been associated with a website with links to a Shopify app for Jubilee, which displayed content related to white-label cosmetics. At present there is no active website associated with the disputed domain name. Although the Respondent Mohebpour was served with notice of this proceeding, he chose not to respond himself, and apparently forwarded the Complaint to a third party named Innovation Labs Canada Technologies Inc. for response.

By way of additional background, the Complainant produced two letters from previous litigation counsel, which reveal that the Respondent Mohebpour and his company Spocket Inc. had commenced litigation against the Complainant and its CEO Ms. Astle sometime in October 2022. Around the same time, Spocket/Mohebpour launched what was characterized as a “copycat” website at “www.blanka.co” allegedly modelled on the Complainant’s business. No other contemporary documents have been offered by the Parties which would provide insight into the litigation or cross-claims. However, the Complainant’s litigation counsel did write an additional letter on January 25, 2024, which has also been produced by the Complainant in this matter. This

second letter includes allegations that the original “copycat” website involving the disputed domain name had apparently been taken down for a time but had then been reactivated by Spocket/Mohebpour shortly before January 25, 2024, using a Shopify link to an app called Jubilee to offer cosmetic branding services.

These references to pre-existing litigation and related matters led the Panel to issue Procedural Order No. 1 and the parties have provided some background information, set out below. Prior to 2020, Ms. Astle was an employee and shareholder in the Respondent Mohebpour’s Sprocket business. In late 2020, their professional relationship broke down, amid allegations that Ms. Astle had experienced workplace harassment at Sprocket, and countervailing allegations that Ms. Astle had misused confidential business information. It appears that formal litigation was commenced in 2022 in the Supreme Court of British Columbia against Ms. Astle, wherein she counterclaimed for a range of commercial issues involving her rights as an employee and shareholder, but which also raised claims of passing off based on misconduct by Mohebpour/Sprocket in creating the disputed domain name to “mislead consumers and damage Blanka’s goodwill.” This litigation is ongoing.

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.

With respect to its claimed trademark rights, the Complainant relies on registered and common law rights, that extend back in time to March 2021, before the disputed domain name was registered.

Notably, the Complainant contends that in addition to the deliberate misappropriation of the word mark BLANKA, the Respondent has created a website associated with the disputed domain name that mimics graphic and textual features of the Complainant’s website at the domain <blankabrand.com> which the Respondent uses in bad faith to pass off its business for that of the Complainant.

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.

With respect to the first element under the Policy, the Respondent submits that the Complainant has no enforceable trademark rights because the relevant United States trademark registration for BLANKA was only registered nearly three years after the disputed domain name was registered.

With respect to rights and legitimate interests, the Respondent relies on what it calls good faith use of the disputed domain name prior to the registration of the BLANKA trademark. The Respondent claims it operates in different channels of trade utilizing a dropshipping model, connecting online sellers with third-party suppliers. Similarities in website design are said to be generic and coincidental. The disputed domain name was registered as part of a portfolio of short, brandable domains, not to trade on any reputation of the Complainant.

With respect to bad faith, the Respondent relies principally on the fact that the disputed domain name was registered prior to the issuance of the BLANKA trademark registration, and argues that the Complainant’s proof of common law use of BLANKA prior to June 20, 2021, is insufficient to support enforceable trademark rights.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

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

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 entirety of the 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.

For the purposes of the first element assessment, it is not necessary that a complainant's trademark predate the registration of the domain name concerned. All that is required is that such rights are in existence at the time the complaint is filed. [WIPO Overview 3.0](#), section 1.1.3.

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). [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. In particular, the Complainant has presented evidence that it was the first adopter of the BLANKA trademark in March 2021, in the cosmetic industry for online services, which originated in Vancouver Canada where the individual Respondent is also located. The Respondent appears to have chosen to register and use its confusingly similar disputed domain name to host a commercial website featuring content and images which mimic the Complainant's website, and subsequently to connect users through a Shopify link to an app called Jubilee to offer competitive cosmetic

branding services. The Respondent Mohebpour appears to have taken these steps knowingly in the context of the dispute over Ms. Astle's employment with his company. The Panel notes that the Respondent chose not to respond personally to the Complaint and did not deny personal knowledge of the Complainant's early adoption of the BLANKA trademark and the associated <blankabrand.com> domain name. In the circumstances of the "hyper-specific industry niche" in which the Complainant operates, the Respondent's claim that the similarities in branding and website design features were coincidental and generic is not credible. The Respondent has failed to come forward with sufficient relevant evidence to answer the Complainant's case.

Panels have held that the use of a domain name for illegitimate activity (here, claimed passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

To succeed in this proceeding, the Complainant must establish that the disputed domain name was registered and is being used in bad faith. Where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent ([WIPO Overview 3.0](#), section 3.8.1). In this matter, the Complainant has relied on a U.S. registration which was issued on March 5, 2024, based on a filing dated November 11, 2022. The disputed domain name was registered on June 20, 2021, i.e., earlier than the filing and registration dates for the Complainant's trademark. In the Complainant's submissions on bad faith, the Complainant mistakenly begins its substantive arguments with the inaccurate statement "Here, the Respondent [r]egistered the domain name <blanka.co> after the Complainant's trademark was registered and in commercial use." On its face, the true chronology is revealed by the certificate of trademark registration (produced by the Complainant itself) which makes it clear that the trademark only issued to registration after the disputed domain name was registered.

However, the Panel has also considered the alternative argument based on common law rights in the BLANKA trademark, prior to its registration date. The certificate of registration issued by the USPTO includes references to claimed first use of the mark in commerce as of March 11, 2021. If that claimed date is accurate, then it may support a finding that the Complainant owned "nascent trademark rights", on which the Respondent intended to "unfairly capitalize" (as contemplated by [WIPO Overview 3.0](#), section 3.8.2).

In this context, it is important to carefully review the evidence of common law trademark use. In response to Panel Procedural Order No. 1, the Complainant has filed detailed submissions and exhibits which support a finding that the public launch of the BLANKA mark actually began in March 2021. Examples of probative evidence include: formal incorporation of what became the Blanka business occurred on September 9, 2020; launch of the BLANKA app on the Shopify App Store occurred on March 11, 2021 enabling the public availability of its technology and services; test accounts on the Blanka app began prior to launch and customer on-boarding followed immediately thereafter; the Complainant's website at "www.blankabrand.com" was also launched in March 2021, providing a commercial platform for the business and its BLANKA mark (confirmed by Wayback captures on March 30, 2021); commercial sales were recorded through Stripe payment processing throughout March 2021; in terms of other online presence, Complainant began promoting its new BLANKA business with a "Coming Soon" post on Facebook as early as December 16, 2020, and Facebook promotions began as early as April 6, 2021, under the caption "Blanka – private label makeup dropshipped to your customer", with links to its Shopify app and "www.blankabrand.com" website. All this evidence is consistent with the claim for first use of the BLANKA trademark prior to June 20, 2021, the date the disputed domain name was registered. The Respondent's attempt to criticize the evidence is not persuasive.

In all the circumstances, the Panel is satisfied – on the balance of probabilities – that the individual Respondent was more than likely aware of his former employee’s chosen trademark and business, when he registered the disputed domain name (containing the BLANKA trademark), and that the Respondent did so to target the Complainant’s business and to unfairly capitalize on the Complainant’s nascent trademark rights. The Complainant has shown that, “when the Respondent registered the disputed domain name in his own name..., he did so in bad faith **at that time**, with the intent to take advantage of the Complainant’s trademark rights at some point in the future” See *Sage Development Authority v. Peter Little Horn*, WIPO Case No. [D2025-3791](#), citing *Blemain Group v. Stuart Frost*, WIPO Case No. [D2006-0871](#).

With respect to bad faith use of the disputed domain name, the evidence is clear that the Respondent used it to host a website which was properly characterized as copycat in nature, intending to imitate the branding, graphics and logos employed by the Complainant, in the field of cosmetic related services.

The Panel finds the third element of the Policy has been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking (“RDNH”) or to harass the domain-name holder, the Panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. [WIPO Overview 3.0](#), section 4.16.

In the circumstances, the Panel finds that the Complaint has not been brought in bad faith and does not constitute an attempt at Reverse Domain Name Hijacking. This conclusion is self evident, given the decision set out above.

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 <blanka.co> be transferred to the Complainant.

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date: November 9, 2025