

23 April 2003

Air Products Canada Ltd. / Prodair Canada Ltée

v.

Index Quebec Inc.

ADDENDUM

This is a formal Addendum to the decision on the Complaint: *Air Products Canada Ltd. /Prodair Canada Ltée v. Index Quebec Inc.*, agreed to by all three members of the Panel.

SUMMARY OF FINDINGS AND FINAL RULINGS

1. The Panel finds that the domain name *airproducts.ca* is not confusingly similar to the Complainant's trade name *Air Products Canada Ltd.* nor to the Complainant's registered trademark *Air Products plus an associated design*.

Thus, the Complaint is dismissed.

2. Even if the Registrant's domain name had been found confusingly similar to the Complainant's trade name or registered trademark, the Panel finds that the domain name was not registered in bad faith.

Thus, the Complaint is dismissed.

3. The Panel finds that the Complainant did have a colour of right to the domain name, in the light of its trade name and registered trademark and all the circumstances. The Panel finds this sufficient to preclude the Registrant's counterclaim for costs founded on a complaint alleged to be unfair and without colour of right.

Thus, the Registrant's counterclaim for costs is dismissed.

This is the unanimous decision of the Panel, as are the reasons for decision dated 15 April, 2003.

Signed, 23 April, 2003

Jean G. Bigras, Panelist

Denis N. Magnusson, Panelist and Chair

Daria Strachan, Panelist