

**IN THE MATTER OF A COMPLAINT PURSUANT TO
THE CANADIAN INTERNET REGISTRATION AUTHORITY (“CIRA”)
DOMAIN NAME DISPUTE RESOLUTION POLICY (“POLICY”) AND
DOMAIN NAME DISPUTE RESOLUTION RULES (“RESOLUTION RULES”)**

Complainant:	Zuffa, LLC
Complainant’s Representative:	Carol Anne O’Brien Barrister & Solicitor Toronto ON
Disputed Domain Name:	ufc.ca
Registrant:	Daniel Cox Calgary AB
Registrar:	Namespro Solutions Inc.
Panel:	Denis Magnusson (sole panellist)
Service Provider:	Resolution Canada

DECISION

Parties

The Complainant is Zuffa, LLC, a Nevada limited liability company with its principal place of business in Las Vegas, Nevada, USA.

The Registrant is Daniel Cox of Calgary, Alberta.

Disputed Domain Name and Registrar

The disputed domain name is ufc.ca, registered by Daniel Cox on July 4, 2007. The Registrar is Namespro Solutions Inc.

The Complainant

The Complainant is Zuffa, LLC a limited liability company incorporated under Nevada law with a principal place of business in Las Vegas, Nevada, USA. The Complaint describes the Complainant as

“the leading world-wide producer and promoter of mixed-martial arts events. Zuffa produces television programs that are based on these events for broadcast and, through authorized licensees, distributes a wide range of UFC-branded products world-wide, including in Canada.”

The Complaint states that the Complainant has been using its “UFC” mark in association with its products in Canada since at least as early as 1993. It applied for registration of “UFC” as a trademark in the CIPO in 2002 which mark was registered in 2005. The Complaint also notes that it began using two design marks incorporating “UFC” in Canada as early as 2001 which marks were registered in the CIPO as trademarks in 2005.

Eligible Complainant

Policy 1.4 provides that a Complainant may submit a Complaint which relates to a trade-mark registered in the Canadian Intellectual Property Office (“CIPO”) of which the Complainant is the owner. The Complainant relies on the trademark “UFC” registered in the CIPO in August, 2005 by the Complainant Zuffa, LLC and of which the Complainant is the present registered owner.

The Registrant

The Registrant is Daniel Cox, a resident of Calgary Alberta. As noted above, the Registrant registered the disputed domain name ufc.ca on July 4, 2007

At the time of the Complaint the Registrant was using the registered domain name ufc.ca to resolve to a site headed “Ultimate Fan Center”. First under that title was a link “UFC 124 Fight Card” which linked to another site at TicketsCanada.com further described as having “the most up to date UFC 124 Fight Card online”. “UFC 124” refers to a mixed martial arts match staged in Montreal by the Complainant on December 11, 2010.

Procedural History

This dispute proceeds on the basis that the Registrant has filed no Response.

From the record of interaction between the Registrant and the Provider the Panel infers that the Registrant might protest that he attempted to file a Response but was ultimately unable to do so because of what he saw as the unreasonable demands he faced under the Policy and Resolution Rules. In these circumstances the Panel, somewhat unusually, canvases the interaction between the Provider and Registrant leading up to the no Response outcome. While some of the facts will not previously have been disclosed to the Complainant, the Panel believes that this review of the procedural background does not unfairly prejudice the Complainant as the substance of the dispute is considered and decided solely on the basis that no Response has been filed as required under the Policy.

Sometime prior to October 31, 2010 the Complainant discovered that the disputed domain name had been registered by another person which domain name was being used in association with a web site containing material which overlapped the Complainant’s field of business.

The name of the domain name Registrant was not discoverable on a Whois search. This reflected CIRA privacy policy under which the names and contact information for Registrants of dot-ca domain names who are individuals are not disclosed on Whois or otherwise by CIRA. This is the default position, though Registrants can opt to have their names and other identifying information disclosed, which it appears this Registrant did not opt to do.

The Complainant used the CIRA’s message delivery service which enables a communication to be sent to a Registrant whose identity is undisclosed. The Registrant replied disclosing his identity to the Complainant. A further exchange occurred between Complainant and Registrant (considered further below) which did not conclude to the Complainant’s satisfaction.

The Complainant then filed this Complaint with the Provider, Resolution Canada, which found the Complaint in compliance with the Resolution Rules.

