

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

**Complainant:** Queen’s University at Kingston

**Complainant’s Counsel:** Stephanie Vaccari  
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**Registrant:** Oliver Twist Domains Inc.  
c/o Oliver Twist  
1568 Merivale Road, Suite 424  
Ottawa, Ontario  
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**Registrant’s Counsel:** Unrepresented.

**Disputed Domain Name:** queensunivertisty.ca

**Registrar:** Rebel.ca Corp.

**Panel:** Robert A Fashler, FCI Arb

**Service Provider:** Resolution Canada

**DECISION**

**Parties**

The Complainant is Queen’s University at Kingston, of Kingston, Ontario.

The Registrant is Oliver Twist Domains Inc. of Ottawa, Ontario.

**Disputed Domain Name and Registrar**

The disputed domain name is <queensunivertisty.ca> (“**Domain Name**”) which was registered on September 10, 2003. The Registrar is Rebel.ca Corp.

**Procedural History**

The Complainant filed the Complaint with the dispute resolution service provider, Resolution Canada (“**Provider**”). The Provider found the Complaint to be in compliance with the CIRA *Domain Name Dispute Resolution Rules* (“**Rules**”) and transmitted the Complaint to the Registrant.

The Registrant did not submit a Response within the applicable period of time, or at all. The Registrant has not requested an extension of the applicable period of time for filing a Response. Accordingly, this is a Default Proceeding that the Panel will decide on the basis of the Complaint, as directed by Rule 5.8.

Pursuant to Rule 6.5, the Complainant elected to convert the Proceeding to a single member Panel, and the Provider appointed Robert A. Fashler as the sole Panelist.

### **Relief Requested**

The Complainant requests that the Domain Name registration be transferred from the Registrant to the Complainant.

### **Background Facts**

As noted above, this is a Default Proceeding. The Complainant has tendered detailed submissions and extensive evidence. In contrast, the Registrant has chosen not to tender evidence, to make submissions, or to contest the facts as presented by the Complainant. Hence all relevant facts presented or asserted by the Complainant are assumed to be accurate and complete except to the extent that one such set of facts may contradict another.

### ***The Complainant***

The Complainant is one of Canada's oldest and most reputable universities. It was founded in 1841 via a Royal Charter issued by Queen Victoria. Initially named "Queen's College at Kingston", the Complainant changed its name to "Queen's University at Kingston" at least as early as 1905.

The Complainant enrolls nearly 20,000 full-time undergraduate students and approximately 4,000 full-time graduate students, with many more enrolled in part-time programs. The Complainant employs over 8,000 faculty and staff members. The Complainant is highly ranked nationally and internationally.

The Complainant registered the domain names <queensu.com> and <queensu.ca>, respectively, on January 26, 1999 and October 6, 2000. Both have been accessible to the public since they were registered. The Complainant uses <queensu.ca> as the primary domain name to access its website. The Complainant uses <queensu.com> to redirect users to www.queensu.ca. The Complainant owns approximately 20 additional domain names that incorporate the trademarks QUEEN'S UNIVERSITY and QUEEN'S.

The Complainant maintains a strong presence on a variety of social media sites such as Facebook, Twitter, and Instagram. The Complainant also publishes a number of educational audio podcasts to the public, free-of-charge.

The Complainant displays and references the QUEEN'S UNIVERSITY marks prominently when it performs and markets its services.

The Complainant owns over 100 trademarks and official marks (the latter being protected under s. 9 (1) (n) of *Trademarks Act* of Canada). Those marks are registered or otherwise recognized in the Canadian Intellectual Property Office ("CIPO"), including:

<b>OFFICIAL MARKS</b>		
<b>Mark</b>	<b>Ap. No.</b>	<b>Public Notice</b>
QUEEN'S UNIVERSITY	900,818	10 April 1985
QUEEN'S	900,817	10 April 1985

<b>TRADEMARKS</b>			
<b>Mark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Goods &amp; Services</b>
QUEEN'S UNIVERSITY	TMA313,635	25 April 1986	University services and a variety of services and goods typically provided or sold by a university.
QUEEN'S	TMA312,424	25 April 1986	

### *The Registrant*

Very little information was submitted about the Registrant. Presumably, that is because most of that information is not readily accessible. The Complainant cannot be faulted for the relative lack of evidence about the Registrant. The Registrant was given the opportunity to present its own evidence, to make submissions, and to counter the Complainant's evidence and factual assertions, but the Registrant has elected not to participate in this Proceeding.

Registrant operates a business whereby:

- (a) it registers and holds a large number of domain names;
- (b) it operates a large number of websites that are accessed via those domain names;
- (c) the only functionality currently provided by the Registrant's websites is to display links to websites operated by third parties and to offer to sell the domain name associated with each website to any interested buyer (Note: this activity is fairly recent, starting around 2016).

Hence, it is safe to conclude that the Registrant is a dealer of domain names on a commercial basis.

The Registrant owns more than 1,000 domain names in the .ca top level domain. Several of those domain names consist of, or feature, well-known or famous trademarks of third parties, including:

<tsnlive.ca>	<quicktime.ca>
<addidas.ca>	<shawdigital.ca>
<astonmartin.ca>	<simonfraser.ca>
<batman.ca>	<tigerwoods.ca>
<beatles.ca>	<torontobluejays.ca>
<cbcnorth.ca>	<torontoraptors.ca>
<crisco.ca>	<warnerbrothers.ca>
<ctvsports.ca>	<macdonalds.ca>
<exxon.ca>	<tacotime.ca>
<pillsbury.ca>	<googleearth.ca>
<senstv.ca>	<rbcdominionsecurities.ca>

The Registrant registered the Domain Name on January 8, 2003.

The content and functionality of website accessed via the Domain Name ("**Registrant's Website**") has varied considerably since 2003. However, for approximately the last two years, the Registrant's Website has contained links to university-related information, including links to the Complainant's website. Recent iterations of the Registrant's Website display the words:

*This domain may be for sale. [Click here for more information.](#)*

The Complainant has contacted the Registrant twice complaining about the Domain Name and requesting that the Registrant transfer the Domain Name to the Complainant. The Registrant did not respond at all. However, the Registrant did change its administrative contact for the Domain Name from Kyle Rocheleau to "Oliver Twist".

The Registrant never authorized to use the Complainant's Mark in the Domain Name. In particular:

- the Complainant has not given the Registrant any license, consent, or authorization, express or implied, permitting the Registrant to use or register the Complainant's Mark in any domain name;
- the Complainant has never acquiesced in any way to the use of its marks by the Registrant in the Domain Name;

The Complainant asserts that the Registrant was aware of the Complainant's rights in the QUEEN'S and QUEEN'S UNIVERSITY marks and registered the Domain Name because of the fame of this trademark and official mark. This is a reasonable inference.

The Complainant represents that it has conducted trademark and business name searches but could not find any Canadian trademark registrations or applications or any trade names registered in the name of the Registrant that contain QUEEN'S UNIVERSITY.

### **Analysis and Findings**

#### ***Section 1.4 – Eligibility***

The Complainant has provided evidence that:

- (a) it is located in Canada and is authorized or recognized as a university by the Province of Ontario; and
- (b) this Proceeding relates to a trademark owned by the Complainant that is registered with the CIPO.

The Panel finds that the Complainant satisfies the eligibility requirements set out in section 1.4 of the Policy.

#### ***Onus on Complainant***

Section 4.1 of the Policy sets out the Complainant's burden in this Proceeding, as follows:

*“To succeed in the Proceeding, the Complainant must prove, on a balance of probabilities, that:*

- (a) the Registrant's dot-ca domain name is Confusingly Similar to a Mark in which the Complainant had Rights prior to the date of registration of the domain name and continues to have such Rights; and*
- (b) the Registrant has registered the domain name in bad faith as described in paragraph 3.5;*  
*and the Complainant must provide some evidence that:*
- (c) the Registrant has no legitimate interest in the domain name as described in paragraph 3.4.*

*Even if the Complainant proves (a) and (b) and provides some evidence of (c), the Registrant will succeed in the Proceeding if the Registrant proves, on a balance of probabilities, that the Registrant has a legitimate interest in the domain name as described in paragraph 3.4.*

#### **Section 4.1 (a) - Confusingly Similar to Complainant's Trademark**

##### *Complainant's Marks and Rights*

The Panel finds that Complainant has used QUEEN'S UNIVERSITY and QUEEN'S as trademarks and trade names continuously for more than 100 years. The Complainant's evidence of usage is more than sufficient to establish common law trademark rights in QUEEN'S UNIVERSITY and QUEEN'S, and to qualify them as "Marks" within the meaning stipulated in Section 3.2 (a) of the Policy.

The Panel also finds that the Complainant has registered QUEEN'S UNIVERSITY and QUEEN'S as trademarks in the CIPO in 1986, and is still the owner of those registered marks. The Panel finds that QUEEN'S UNIVERSITY and QUEEN'S are "Marks" within the meaning stipulated in Section 3.2 (c) of the Policy.

The Panel also finds that the Complainant protected QUEEN'S UNIVERSITY and QUEEN'S as official marks in 1985 and that it has continuously owned and used those official marks since that time until today. The Panel finds that QUEEN'S UNIVERSITY and QUEEN'S are "Marks" within the meaning of stipulated in Section 3.2 (d).

##### *Confusingly Similar*

When assessing whether a domain name is "Confusingly Similar", Section 3.3 of the Policy directs panels to consider whether the domain name so nearly resembles a complainant's mark as to be likely to be mistaken for the mark. This is a narrower approach than the traditional test of confusion applied under Canadian trademark law.

Applying that narrow resemblance test set out in Section 3.3 of the Policy, the Panel finds that the operative portion of the Domain Name <queensuniversity.ca> is identical to the trademark, official mark, and trade name QUEEN'S UNIVERSITY. The deletion of the space between the two words and the apostrophe, and the addition of ".ca", are irrelevant in that assessment.<sup>1</sup>

The analysis could stop there. However, the Panel is of the view that the traditional trademark law test of confusion is also relevant to issues of bad faith and legitimate interest. Hence, the Panel will briefly consider that test.

The Panel is satisfied that QUEEN'S UNIVERSITY and QUEEN'S are highly distinctive trademarks and business names in Canada. The Complainant has been well known as Queen's University for more than 100 years. Throughout that time, it has had no competition in Canada from any other educational institution bearing that name or any similar name. The mark is singular within Canada. If the Policy did require the Complainant to satisfy the higher standard of confusion under trademark law, that would be easily accomplished.

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<sup>1</sup> See *Meguiar's, Inc. v. Interrex Corp Registration Services Inc.*, 2015 CarswellNat 863 at pars 33 (CIRA) (finding that despite the apostrophe, the registered trademark MEGUIAR'S was effectively identical to the domain name meguiars.ca and was confusingly similar.) See also: *Victoria's Secret Stores Brand Management, Inc. v. Poustie*, 2014 CarswellNat 2565 at para 31 (CIRA); *Canadian Broadcasting Corporation / Societe Radio-Canada v. William Quon* (CIRA Dispute Resolution Decision # 00006), *Coca-Cola Ltd. v. Amos B. Hennan* (CIRA Dispute Resolution Decision # 00014), *Sleep Country Canada Inc. v. Pitfold Ventures Inc.* (CIRA Dispute Resolution # 00027) and *Reitmans Canada Limited v. Pitfold Ventures Inc.* (CIRA Dispute Resolution # 00032).

*Finding under Section 4.1 (a)*

The Panel finds that the Complainant has proven, on a balance of probabilities, that the Domain Name is Confusingly Similar to the trademark QUEEN'S UNIVERSITY, that the Complainant had Rights in that trademark before the Domain Name was registered, and that the Complainant continues to have Rights in that trademark. Accordingly, the Complainant has satisfied its burden under Section 4.1 (a) of the Policy.

***Section 4.1 (b) - Bad Faith***

*Core Bad Faith*

Bad faith in this type of Proceeding can manifest in various ways. The specific instances set out in Section 3.5 of the Policy are not exhaustive.

The bad faith at the core of cybersquatting was analyzed with considerable insight in a 1998 decision of the England and Wales Court of Appeal, namely, *British Telecommunications Plc & Ors v One In A Million Ltd & Ors*<sup>2</sup> (“**One in a Million Case**”). In that case, the plaintiffs brought, *inter alia*, a passing off action concerning the simplest of cybersquatting scenarios - the defendants had registered a number of domain names that incorporated well-known trademarks of third parties but did not use the domain names to conduct any active business or operate any websites.

The Court of Appeal found that merely registering a domain name containing a well-known trademark owned by a third party constituted passing off. The analysis dealt at length with the bad faith implicit in the defendant's conduct. It found that mere registration of a domain name that incorporates a well-known trademark of another person constitutes an intentional false representation to the public and that this amounted to passing off. Lord Justice Aldous made the following helpful comments:

*It is accepted that the name Marks & Spencer denotes Marks & Spencer Plc and nobody else. Thus anybody seeing or hearing the name realises that what is being referred to is the business of Marks & Spencer Plc. It follows that registration by the appellants of a domain name including the name Marks & Spencer makes a false representation that they are associated or connected with Marks & Spencer Plc. This can be demonstrated by considering the reaction of a person who taps into his computer the domain name marksandspencer.co.uk and presses a button to execute a “whois” search. He will be told that the registrant is One In A Million Limited. A substantial number of persons will conclude that One In A Million Limited must be connected or associated with Marks & Spencer Plc. That amounts to a false representation which constitutes passing-off.*

*Mr Wilson submitted that mere registration did not amount to passing-off. Further, Marks & Spencer Plc had not established any damage or likelihood of damage. I cannot accept those submissions. The placing on a register of a distinctive name such as marksandspencer makes a representation to persons who consult the register that the registrant is connected or associated with the name registered and thus the owner of the goodwill in the name. Such persons would not know of One In A Million Limited and would believe that they were connected or associated with the owner of the goodwill in the domain name they had registered.*

...

*I also believe that domain names comprising the name Marks & Spencer are instruments of fraud. Any realistic use of them as domain names would result in passing-off and there was ample evidence to*

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<sup>2</sup> *British Telecommunications Plc & Ors v One In A Million Ltd & Ors* [1998] EWCA Civ 1272 (23 July 1998)

*justify the injunctive relief granted by the judge to prevent them being used for a fraudulent purpose and to prevent them being transferred to others.*

... .

*I believe that, for the same reasons I have expressed in relation to the Marks & Spencer Plc action, passing-off and threatened passing-off has been demonstrated. The judge was right to conclude (page 273):*

*"The history of the defendants' activities shows a deliberate practice followed over a substantial period of time of registering domain names which are chosen to resemble the names and marks of other people and are plainly intended to deceive. The threat of passing-off and trade mark infringement, and the likelihood of confusion arising from the infringement of the mark are made out beyond argument in this case, even if it is possible to imagine other cases in which the issue would be more nicely balanced."*

*I also believe that the names registered by the appellants were instruments of fraud and that injunctive relief was appropriate upon this basis as well. The trade names were well-known "household names" denoting in ordinary usage the respective respondent. The appellants registered them without any distinguishing word because of the goodwill attaching to those names. It was the value of that goodwill, not the fact that they could perhaps be used in some way by a third party without deception, which caused them to register the names. The motive of the appellants was to use that goodwill and threaten to sell it to another who might use it for passing-off to obtain money from the respondents. The value of the names lay in the threat that they would be used in a fraudulent way. The registrations were made with the purpose of appropriating the respondents' property, their goodwill, and with an intention of threatening dishonest use by them or another. The registrations were instruments of fraud and injunctive relief was appropriate just as much as it was in those cases where persons registered company names for a similar purpose.*

Although those remarks were made in the context of passing off, the Panel of the view that the dishonest mode of dealing identified in the foregoing quote is the same essential phenomenon generally identified by the Policy as "bad faith". This is particularly so when the trademarks in question are very well-known. How can making such a false representation and deliberately creating such an "instrument of fraud" not constitute bad faith conduct?

What conduct lies at the core of that dishonest dealing? It begins with the intentional misappropriation of goodwill owned by another person. The misappropriation can then be employed to generate revenue through misrepresentations made to the public and/or by selling the domain name to the owner of the misappropriated goodwill, or both in sequence.

That core form of dishonest dealing is present in this case.

The Registrant employs a "business model" that begins with registering domain names that are identical or nearly identical to extremely well-known trademarks, including ADDIDAS, WARNER BROTHERS, EXXON, TORONTO BLUE JAYS, PILLSBURY, SIMON FRASER UNIVERSITY, and, of course, QUEEN'S UNIVERSITY. The Registrant then activates the domain names, causing them to resolve to its own websites. Since at least as early as 2016, those websites contain links to third party websites.

QUEEN'S UNIVERSITY is an extremely well-known, even famous, trademark/trade name in Canada. It has been around for more than a century and is highly respected.

The Registrant intentionally misappropriated the goodwill associated with the Complainant's trademark and trade name. The analysis of Lord Justice Aldous in the One in a Million Case applies directly to the Registrant's

conduct. This is illustrated if we adapt the following observations of Lord Justice Aldous to the specifics of this case by replacing references to the plaintiffs and defendants in that case to the Complainant and Registrant in this Proceeding (the only changes are underlined):

*It is accepted that the name QUEEN'S UNIVERSITY denotes the Complainant and nobody else. Thus anybody seeing or hearing the name realizes that what is being referred to is the business of Queen's University. It follows that registration by the Registrant of a domain name including the name QUEEN'S UNIVERSITY makes a false representation that they are associated or connected with Queen's University.*

In the opinion of the Panel, the foregoing facts alone support a finding that the Registrant registered the Domain Name in bad faith. But there is additional bad faith built into the Registrant's use of the Domain Name.

The Registrant utilizes the Domain Name at its website in a manner that unquestionably draws traffic to the website from those seeking the Complainant. That is clearly intentional. Why else would the Registrant embed links at the website that reference the Complainant and other universities?

It is fair to assume that the Registrant profits from at least some of the third party links, but even if it does not, the Registrant's active use of the Domain Name via the website magnifies the initial misappropriation and misrepresentation effected by registering the Domain Name.

It is also fair to assume that the Registrant's use of the Domain Name at the website was calculated to bring the Domain Name to the attention of the Complainant, which is exactly what has happened. It is also reasonable to assume that the purpose of bringing the Domain Name to the attention of the Complainant is to prompt the Complainant to buy the Domain Name at a price substantially above cost.

In these circumstances, it is difficult to imagine any use of the Domain Name by the Registrant that is not predicated on bad faith.

### ***Section 3.5 (b)***

The Complainant asserts that pursuant to section 3.5(b) of the Policy, the Registrant has registered the Domain Name in order to prevent the Complainant from registering its QUEEN'S UNIVERSITY Official Mark and Trademark as a domain name, and that the Registrant has engaged in a pattern of registering domain names to prevent trademark owners and other authorized persons from registering their marks as domain names.

The Panel agrees with the Complainant based on the facts and analysis set out above.

### ***Section 3.5 (d)***

The Complainant asserts that pursuant to Section 3.5(d) of the Policy, the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Domain Name by creating a likelihood of confusion with the Complainant's QUEEN'S UNIVERSITY marks. The Complainant asserts that section 3.5(d) has no time limitation and the Panel can consider the Registrant's behavior at any time, even if the behavior occurs many years after the domain name registration. It relies on *Exite Group Inc. v. Zucker International Marketing Inc.*<sup>3</sup>

The Panel agrees with the Complainant based on the facts and analysis set out earlier.

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<sup>3</sup> *Marketing Inc Exite Group Inc. v. Zucker International.*, 100 C.P.R. (4th) 50, 2011 CarswellNat 5399 at paras 74-76 (CIRA).



The Registrant is a domain name dealer. It is inconceivable that the Registrant did not know that it was misappropriating the Complainant's goodwill when it registered the Domain Name, and that use of the Domain Name would cause confusion among Internet users. The Registrant has, in fact, operated a website accessed via the Domain Name since 2003. More recently, it has been engaging in activities that appear to generate income directly from that confusion. It is inconceivable to the Panel that the Registrant did not register the Domain Name with the intention of deriving commercial gain from those activities, even if its greatest aspiration was probably to sell the Domain Name to the Complainant.

***Section 3.5 (c)***

The Complainant asserts that pursuant to Section 3.5 (c) of the Policy, the Registrant is a competitor of the Complainant, and that the Registrant registered the Domain Name primarily for the purpose of disrupting the Complainant's business.

This allegation is less persuasive. It is not clear that the Registrant is a competitor of the Complainant, whether directly or indirectly. However, given that there is already abundant evidence of the Registrant's bad faith, it is unnecessary to make a finding on this particular ground.

***Section 3.5 (a)***

The Complainant asserts that the Registrant registered the Domain Name for the purpose of selling, renting, licensing or otherwise transferring the registration to the Complainant or to another party for a price in excess of its actual costs of registering or acquiring the Domain Name within the meaning of Section 3.5 (a) of the Policy.

As noted above, selling this kind of domain name to the true owner of the misappropriated goodwill generates the biggest payoff for an entrepreneur engaged in this kind of business. However, we have no direct evidence of any effort by the Registrant to sell the Domain Name to the Complainant. The only relevant evidence we have is the Registrant's general offer to the world to sell the Domain Name.

Hence, to find that this kind of bad faith is present requires the Panel to make inference. The Complainant directs the Panel to *Tucows.com v. Interex Corporation Registration Services*<sup>4</sup> ("Tucows Case"). In that case, the domain name similarly featured a banner that stated:

*"tucowsreseller.ca may be for sale".*

As in this case, that banner linked to a page at ParkLogic Marketplace, which invited the viewer to "Join Today" to purchase the domain name. The Panel in Tucows held that these circumstances were sufficient to constitute bad faith under Section 3.5(a).

The Panel also looks to the One in a Million Case cited above, where Lord Justice Aldous approved of the a relevant observation by the lower court judge:

*"The judge rightly analysed the position in his judgment. He said:*

*'For a dealer in Internet domain names there are in principle only four uses to which the names can be put. The **first** and most obvious is that it may be sold to the enterprise whose name or trade mark has been used, which may be prepared to pay a high price to avoid the inconvenience of there being a domain name comprising its own name or trade mark which is not under its control. **Secondly**, it may be sold to a third party unconnected with the name, so that he may try to sell it to the company whose name is being used, or else use it for purposes of*

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<sup>4</sup> 2014 CarswellNat 1184 ("Tucows").

*deception. Thirdly, it may be sold to someone with a distinct interest of his own in the name, for example a solicitor by the name of John Sainsbury or the Government of the British Virgin Islands, with a view to its use by him. Fourthly, it may be retained by the dealer unused and unsold, in which case it serves only to block the use of that name as a registered domain name by others, including those whose name or trade mark it comprises.’ (emphasis added)*

That analysis is compelling. In this case, the Registrant is also a dealer in Internet domain names, and so this statement is applicable. We can safely eliminate the third possible use of the Domain Name identified above. The mark QUEEN’S UNIVERSITY is not susceptible to the third type of use identified by Lord Justice Aldous.

The second kind of use is really just an indirect variation of the first use. That activity amounts to the domain name trader “handing off the ball” to the buyer, who then stands in exactly the same place previously occupied by the seller. Further, the possibility that the Registrant might sell the Domain Name to a third party is a compelling incentive to the Complainant to buy the Domain Name, which brings us back to the first use identified above.

The fourth kind of use also is unlikely. It makes no sense for a commercial dealer in domain names, including the Registrant.

Hence, the balance of probabilities points to the first kind of usage identified by Lord Justice Aldous: *“that it may be sold to the enterprise whose name or trade mark has been used, which may be prepared to pay a high price to avoid the inconvenience of there being a domain name comprising its own name or trade mark which is not under its control”*.

Having regard to the One in a Million Case and the Tucows.com case, the Panel finds, on the balance of probabilities, that the Registrant registered the Domain Name in bad faith within the meaning of Section 3.5 (a).

#### ***Finding Under Section 4.1 (b)***

For the foregoing reasons, the Panel finds that the Complainant has proven, on a balance of probabilities, that the Registrant registered the Domain Name in bad faith both generally, and as stipulated in Section 3.5 of the Policy. Accordingly, the Complainant has satisfied its burden under Section 4.1 (b) of the Policy.

#### **Legitimate Interest**

##### ***Complainant’s Burden***

The Complainant has the light burden of providing “some evidence” that *“the Registrant has no Legitimate Interest in the domain name as described in paragraph 3.6”*.

##### ***Complainant’s Submissions***

The Complainant states that:

- it has conducted trademark and trade name searches but could not find any trademark or trade name owned by the Registrant that contains the words QUEEN’S UNIVERSITY; and
- the Complainant has not licensed or otherwise authorized, directly or indirectly, the Registrant to use QUEEN’S UNIVERSITY.

That evidence is sufficient to shift the burden to the Registrant to prove that it has a legitimate interest in the Domain Name. However, the Registrant has chosen not to participate in this Proceeding at all. Hence, the Panel accepts the Complainant’s position on this issue.

***Finding Under Section 4.1 (c)***

The Panel finds that the Complainant has satisfied its burden under Section 4.1 (c) of the Policy.

**Order**

For the reasons set out above, the Panel finds that the Complainant has satisfied its entire burden under Section 4.1 of the Policy and orders that the Registrant transfer the Domain Name <queensuniversity.ca> to the Complainant's nominee [hooper@queensu.ca](mailto:hooper@queensu.ca) or as the Complainant may otherwise direct.

**Date:** 14 December 2017

**Signed:**

  
Robert A Fashler FCI Arb.