

**CANADIAN INTERNET REGISTRATION AUTHORITY  
DOMAIN NAME DISPUTE RESOLUTION POLICY**

**DECISION**

Domain Name: parsonsconstruction.ca  
Complainant: Parsons Inc.  
Registrant: Nayyer Khan  
Registrar: Go Daddy Domains Canada, Inc.  
Service Provider: Resolution Canada  
Panelist: Eric Macramalla (Chair)

**THE PARTIES**

1. The Complainant is Parsons Inc. (the “Complainant”), which is a Canadian corporation located in Markham, Ontario.
2. The Registrant is Nayyer Khan (the “Registrant”).

**DISPUTED DOMAIN NAME & REGISTRAR**

3. The disputed domain name is parsonsconstruction.ca (the “Domain Name”).

**PROCEDURAL HISTORY**

4. This is a dispute resolution proceeding initiated pursuant to the *CIRA Domain Name Dispute Resolution Policy* (the “Policy”) and the *CIRA Policies, Rules, and Procedures - CIRA Domain Name Dispute Resolution Rules* (the “Rules”). By registration of the Domain Name with the Registrar, the Registrant agreed to the resolution of this dispute pursuant to the Policy and the Rules.
5. The Date of Commencement of the proceeding was October 18, 2019.
6. The Registrant information associated with the domain name parsonsconstruction.ca (“Domain Name”) has been redacted by CIRA. By way of correspondence dated August 28, 2019, CIRA indicated to Resolution Canada that the Registrant associated with the Domain Name was Nayyer Khan and his contact details were as follows: 1/93 Hampden Road, Lakemba, Australia.
7. The Registrant did not file a Response.
8. On October 18, 2019 the Panel was appointed. As prescribed by the Policy, the Panel has declared to the Provider that it can act impartially and independently in connection with this matter, and that there are no circumstances known to the Panel which would prevent it from so acting.

## **THE POSITIONS OF THE PARTIES**

### **The Complainant's Position**

9. The Complainant's position as follows:
10. The Complainant is a Canadian corporation having its principal place of business at 2751 John Street, Markham ON L3R 2Y8, Canada.
11. The Complainant satisfies the Canadian Presence Requirements on that basis that it is a Canadian corporation.
12. The Domain Name was registered on July 7, 2019.
13. The Complainant is a wholly owned subsidiary of Parsons Corporation and is licensed by Parsons Corporation to use the PARSONS name and certain trademarks in Canada, including Application Nos. 1829003 and 1829004 for PARSONS and P PARSONS & Design. The trademark owner Parsons Corporation is a U.S.-based corporation.
14. Canadian Application Nos. 1829003 and 1829004 were filed before the Domain Name Registration date. Furthermore, the Complainant claims common law trademark rights that predate the Domain Name Registration date.
15. The Registrant's website has misappropriated significant intellectual property from Parsons Corporation's website.
16. The Domain Name is confusingly similar with the PARSONS trademarks. Furthermore, the Registrant does not have a legitimate interest in the Domain Name. Finally, the Registrant registered the Domain Name in bad faith as (i) the Registrant registered the Domain Name primarily for the purpose of disrupting the business of the Complainant, a competitor, and (ii) the Registrant registered the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement.
17. The Complainant is seeking the transfer of the Domain Name.

### **The Registrant's Position**

18. The Registrant did not file a Response.
19. As the Registrant has not submitted a response to the Complaint, the Panel shall decide the Proceeding on the basis of the Complaint. Notwithstanding the absence of a response, the proceedings shall still be decided on the merits of the case.

## **DISCUSSION & REASONS**

20. Insofar as meeting the Policy's eligibility requirements, the Complainant must be the owner of the trademark rights being relied upon. Furthermore, and as a separate issue, the trademark owner, if not Canadian, must be the owner of a trademark registration; a pending trademark application or common law rights represents an insufficient basis upon which to satisfy the eligibility requirements. Failing to meet either requirement would result in a complaint being denied.
21. The Complainant has failed to meet its eligibility requirements on both fronts. The Complainant is merely a Canadian licensee of the trademark owner, the U.S.-based Parsons Corporation. Therefore, the Complaint was improperly filed in the name of the Complainant. Furthermore, Parsons Corporation is not the owner of a corresponding Canadian trademark registration. Rather, it is only the owner of pending application in Canada together with common law trademark rights. Accordingly, even if the Complaint had been filed in the name of Parsons Corporation, it would have failed in light of the absence of a confusingly similar Canadian trademark registration.
22. In support of meeting the Policy's eligibility requirements, the Complainant has indicated that "*the Mark need not be registered in order for Parsons Corporation, and by extension the Complainant, to have Rights in it (Zuffa LLC v. Bruce (2011), 92 C.P.R. (4th) 292 (C.I.R.A.)*". In the *Zuffa* case, the Nevada-based Complainant was the owner of a Canadian trademark registration and therefore qualified to file the Complaint. That is not the case here.
23. Under the circumstances, the Panel need not consider the substantive elements of the Complaint.

## **DECISION & ORDER**

24. For the reasons set out herein, the Complaint is denied.

Dated at Ottawa, Ontario, Canada, this 18<sup>th</sup> day of November, 2019.



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Eric Macramalla  
Sole Panelist