

**IN THE MATTER OF A COMPLAINT PURSUANT TO THE
CANADIAN INTERNET REGISTRATION AUTHORITY
DOMAIN NAME DISPUTE RESOLUTION POLICY**

Domain Names: STARBEAMSYSTEMS.CA

Complainant: 2956021 Canada Inc., trading as Starbeam Systems

Registrant: David Smith

Registrar: Tucows.com

Panel: David Allsebrook (Chair)

Tim Bourne

Robert Fashler

Service Provider: Resolution Canada Inc.

DECISION

A. The Parties

1. The Complainant is **2956021 Canada Inc., trading as Starbeam Systems**, was first incorporated as a Federal Canadian corporation in 1993. It is located in Ottawa . Its authorized representative in this dispute is Cassan Maclean, 207 Gilmour Street, Ottawa, Ontario, K2P 0P7.

2. The Registrant is David Smith. Mr. Smith is located in Ottawa.

B. The Domain Name and Registrar

3. The domain name at issue is **STARBEAMSYSTEMS.CA**.

4. The domain name is registered with Webnames.ca Inc.

C. Panel Member Impartiality and Independence Statement

5. As required by paragraph 7 of the Rules, each panelist has declared to the Provider that they can act impartially and independently in this matter, as there are no circumstances known to any of them that would prevent them from so acting.

D. Canadian Presence Requirement

6. The Complainant is a Canadian Corporation, thus satisfying the Canadian Presence Requirement as stated in paragraph 1.4 of the *CIRA Domain Name Dispute Resolution Policy* (version 1.3) [“Policy”].

E. Factual Background

7. The positions of the parties are as follows.

8. The Complainant is an IT service company located in Ottawa. The Registrant is a former employee of the Complainant. It has used the trade mark STARBEAM SYSTEMS in connection with its services since 1993. The Complainant has used the domain name starbeamsystems.com since 2001.

9. The disputed domain name resolves to a web site at techville.ca. The techville.ca web site identifies IT services provided by techville.ca and names David Smith as the contact person.

10. Emails from the Complainant’s customers intended for the Complainant have been sent to and received by techville.ca through the substitution of the domain “.ca” in place of “.com” in the email addresses at starbeamsystems.com.

11. David Smith was employed by the Complainant as a network service technician from 2006 to 2008.

12. The Complainant requests the transfer of the domain name to it.

13. Mr. Smith has offered to transfer the domain name to the Complainant “as a gesture of goodwill” and provided a “transfer auth code” for that purpose.

F. Conclusion and Decision

14. The parties are in accord that the domain name be transferred to the Complainant and the Panel so orders.

August 5, 2015

Chair



David Allsebrook



Tim Bourne



Rob Fashler