

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

DECISION

Complainant: Giorgio Armani S.p.A.

Registrant: PRIVACY PROTECTED (Irina Konovalova)

Domain Name: *armanibeauty.ca*

Registrar: HEXONET Services Inc.

Sole Panel Member: Thomas Manson, Q.C.

Service Provider: British Columbia International Commercial Arbitration Centre

BCICAC File: DCA-1877- CIRA

A. OVERVIEW

This matter concerns a dispute between the Complainant and the Registrant regarding the registration of *armanibeauty.ca* (the "Domain"); HEXONET Services Inc. is the relevant registrar.

This is a proceeding under the Canadian Internet Registration Authority ("CIRA") Domain Name Dispute Resolution Policy (the "Policy"), in accordance with the CIRA Dispute Resolution Rules (the "Rules").

B. PROCEDURAL HISTORY

The British Columbia International Commercial Arbitration Centre ("BCICAC") is a recognized service provider pursuant to the Policy and Rules of CIRA.

The Complainant filed a complaint dated May 9, 2017 (the "Complaint") with the BCICAC seeking an order in accordance with the Policy and Rules directing the transfer of the registration of the Domain Name to the Complainant.

In a letter dated May 9, 2017, the BCICAC as Service Provider, confirmed compliance of the complaint and commencement of the dispute resolution process.

The BCICAC determined the Complaint to be in administrative compliance with the requirements of Rule 4.2 of the Rules and, by letter of transmittal dated May 9, 2017 (the "Transmittal Letter"), forwarded a copy of the Complaint to the Registrant to serve as notice of the Complaint in accordance with Rule 2.1 and Rule 4.3 of the Rules. The Transmittal Letter determined the date of the commencement of proceedings in accordance with Rule 4.4 of the Rules to be May 10, 2017 and advised the Registrant that in accordance with the provisions of Rule 5 of the Rules, a Response to the Complaint was to be filed within 20 days of the date of commencement of proceedings, or May 30, 2017.

The Registrant did not provide a Response by May 30, 2017 (or at all) pursuant to CIRA Rule 5.1.

Accordingly, under Rule 6.5, the Complainant was at liberty to elect to convert from a three member panel to a single member panel.

As permitted given the absence of a Response, the Complainant elected under Rule 6.5 to convert from a panel of three to a single member panel.

By letter dated June 6, 2017 the BCICAC appointed Thomas Manson, Q.C. as sole member of the Panel in this matter.

On June 7, 2017 Thomas Manson, Q.C. accepted the appointment and provided the BCICAC with the required Declaration of Independence and Impartiality.

The Panel has been properly appointed as of June 7, 2017 and constituted as a single member panel to determine the Complaint in accordance with the Rules.

In accordance with Rule 5.8, as no Response has been submitted by the Respondent, the Panel decides the Proceeding on the basis of the Complaint.

Pursuant to Rule 11.1 this Panel has by emails dated June 13 and 26, 2017 requested additional evidence from the Complainant. This additional evidence (received June 13 and 26, 2017 respectively) also forms part of the record.

Given the Panel's acceptance of appointment on June 7 and as a result of the exceptional circumstance of receipt of the additional evidence, this decision is delivered on June 28, rather than June 26.

C. CANADIAN PRESENCE REQUIREMENTS / JURISDICTION

Canadian Presence Requirements

The Canadian Presence Requirements for Registrants (the "Presence Requirements") require that to be permitted to apply for registration of, and to hold and maintain the registration of, a .ca domain name, the applicant must meet at least one of the criteria listed as establishing a Canadian presence. The Complainant submits that it satisfies the Presence Requirements pursuant to "art. 2 letter (d)" since it is the owner of a number of Canadian trademark registrations regarding trademarks comprised of, or containing the word element "Armani"¹. However, in that event, and given that this case concerns the Domain, which includes the exact word component of the Complainant's registered trade-mark "Armani", the relevant provision of the Presence Requirements seems to be section 2(q). That provision stipulates that:

A Person which does not meet any of the foregoing conditions, but which is the owner of a trade-mark which is the subject of a registration under the *Trade-marks Act* (Canada) R.S.C. 1985, c.T-13 as amended from time to time, but in this case such permission is limited to an application to register a .ca domain name consisting of or including the exact word component of that registered trade-mark

Technical Requirements

Based upon the information provided with the Complaint, the Panel finds that all technical requirements for the commencement of this proceeding have been met and that the Panel has jurisdiction to consider this matter.

D. EVIDENCE

In accordance with Rule 5.8 the Panel finds as follows:

The Complainant and its Marks in Canada

The Complainant is one of the most famous fashion and lifestyle companies in the world. It has an address in Milan, Italy.

The Complainant was founded in 1975 by Giorgio Armani, a man who became a world style icon. Progressively, GA began to design, produce and sell not only clothes but every kind of accessories, from spectacles to perfumes and other beauty products, up to products and services distant from the world of fashion.

¹ This includes the word mark "Armani" Filed March 11, 1991, Registered January 31, 1992, Registration amended April 14, 2010 with respect to "Owner Information". Status – Registered (see Schedule 1).

Over the years, GA established collaborations with the world of cinema and the world of sport. Thus, GA's products and services have been distinguished by a very large number of brands, which identify the different lines of goods and services including perfumes and other beauty products. Amongst them are "Armani", "Emporio Armani", "Giorgio Armani", "Armani Collezione" "A|X Armani Exchange", and "Armani/Casa" (all of which the Complainant says are worldwide registered trademarks). In particular, as noted earlier, the Complainant is the owner of a number of Canadian trademark registrations regarding the following trademarks comprised of, or containing the word element "Armani":

- "Armani" (application dates from 1991 to 2009 and registration dates from 1992 to 2014, CIPO Status registered; see Schedule 1),
- "Emporio Armani& Design" (application dates from 1990 to 2012 and registration dates from 1995 to 2014, CIPO status Registered; see Schedule 2),
- "Giorgio Armani Design" (application dates from 1976 to 2007 and registration dates from 1980 to 2011, CIPO status Registered; see Schedule 3), and
- "AX ARMANI EXCHANGE" (application dates from 1991 to 2007 and registration dates from 1997 to 2011, CIPO status Registered; see Schedule 4) (together, "ARMANI Trademarks")

The Complainant has an Internet presence. With specific reference to the world of beauty, the Complainant's products are sold through the official e-commerce web site <www.armanibeauty.it> (Schedule 5). This domain name registration <armanibeauty.it> was established in February 2007 (Schedule 6). The Complainant is also the owner of the domain name <armanibeauty.com>, created in October 2001 (Schedule 7), which also resolves to the official e-commerce web site.

Creation of Domain

A WHOIS search results report [Further Evidence submitted by the Complainant on June 13, 2017] shows that the Domain was created "2012/11/06" and indicates that the identity of the holder of the Domain is "Privacy Protected".

Current Status of Domain

Notwithstanding the WHOIS search result, the Complainant identified the Registrant as the individual, named in the Complaint and this was confirmed by the Further Evidence submitted by the Complainant on June 13, 2017.

No Affiliation, Licence or Authorization

The Registrant has no affiliation or connection with the Complainant and was not licensed or authorized by the Complainant to use the ARMANI Trademarks in any manner, including the registration of a domain name.

The Domain currently resolves to a Pay-Per-Click (PPC) website of a commercial nature (see Schedule 9). Further, this website contains a number of hyperlinked words the majority of which are trademarks of the Complainant. "Giorgio Armani", "Armani on line Store", "Armani Exchange", "Emporio Armani", "Armani on line store" and "Emporio Armani" are mentioned in schedules 9.4, 9.5, and 9.6, together with other trademarks of the Complainant, such as "Armani jeans", "Armani collezioni". Any link to the official site of the Complainant <www.armanibeauty.it> has never been authorized by the Complainant.

Moreover, the PPC website contains numerous pay-per-click links or sponsored links to various third party websites - that is competitors of the Complainant offering beauty products which compete with those of the Complainant or to web sites offering for sale a big variety of products and services (see Schedule 9).

E. REMEDY SOUGHT

The Complainant seeks an order that the Domain be transferred to the Complainant

F. POLICY AND ANALYSIS

The purpose of the Policy, as stated in paragraph 1.1, is to provide a forum in which cases of bad faith registration of .ca domain names can be dealt with relatively inexpensively and quickly.

In accordance with paragraph 4.1 of the Policy, 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"² to a Mark³ 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;

² The expression "Confusingly Similar" is described in paragraph 3.3 of the Policy.

³ The word "Mark" is described in paragraph 3.2 of the Policy.

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.

Policy Para 4.1(a) - Mark

The relevant portion of paragraph 3.2 of the Policy states that for the purpose of the Policy, a "Mark" is:

a trade-mark, including the word elements of a design mark, or a trade name that has been used in Canada by a person, or the person's predecessor in title, for the purpose of distinguishing the wares, services or business of that person or predecessor or a licensor of that person or predecessor from the wares, services or business of another person;

...

a trade-mark, including the word elements of a design mark, that is registered in CIPO; or

According to Schedule 1, "Armani" has been used in Canada since at least 1982 and the word mark "Armani" was registered in Canada in January 1992. The Complainant is shown as the owner since April 14, 2010 and continues to have such rights.

According to Schedule 2, "Emporio Armani & Design" has been used in Canada since at least 1989 and the design mark "Emporio Armani & Design" was registered in Canada in February 1995. The Complainant is shown as the owner since April 14, 2010 and continues to have such rights.

According to Schedule 3, the design mark "Giorgio Armani Design" was registered in Canada in April 1980. The Complainant is shown as the owner since April 14, 2010 and continues to have such rights.

According to Schedule 4, the word mark "AX ARMANI EXCHANGE" was registered in Canada in March 1997. The Complainant is shown as the owner since April 14, 2010 and continues to have such rights.

The Complainant has established that "Armani" and the other ARMANI Trademarks qualify as a "Mark" within the provisions of paragraph 3.2 (c) of the Policy.

Policy Para 4.1(a) - Confusingly Similar

A domain name is "Confusingly Similar" if the Panel concludes that the domain name so nearly resembles the Mark in appearance, sound or the ideas suggested by the Mark as to be likely to be

mistaken for the Mark. It should be noted that paragraph 1.2 of the Policy also provides that a domain name is defined so as to exclude the "dot-ca" suffix.

The Complainant submits that <armanibeauty.ca> is confusingly similar to the ARMANI Trademarks in that it incorporates the "Armani" Mark and part of the "Giorgio Armani", "Emporio Armani" and "AX Armani Exchange" trademarks.

In this context, the Panel agrees with the approach taken in *Pirelli & C.S.p.a v. Pneus a Rabais/ Robin Meany*, October 27, 2014, Case No. 00270 <pirelli-tire.ca, pirelli-tires.ca, pirellitire.ca, pneupirelli.ca and pneuspirelli.ca> and *L'Oréal SA & L'Oréal Canada Inc., v. Interex Corporate Registration Services Inc*, May 1, 2013, Case No. 00226 <myloreal.ca>, panel decisions referred to by the Complainant.

In <myloreal.ca>, the Panel stated:

"The test to be applied when considering "confusing similarity" is one of first impression and imperfect recollection. The Complainant must prove, on a balance of probabilities, that a person, as a matter of first impression, knowing the Complainant's corresponding marks only, and having an imperfect recollection of the marks, would likely mistake the Domain Names for the Complainant's marks based upon the appearance, sound or the idea suggested by the mark" –

"38. It is a well established principle that a domain name that wholly incorporates a Mark in particular one as famous as the one in this case will be found to be confusingly similar to the Mark despite the fact that the domain name may also contain a descriptive or generic term."

In that case, the domain name included prefix "my", the Panel stated further:

"39. With respect to the addition of the "my" before the L'OREAL Mark, in the Disputed Domain Name, reference is made to *Magna International Inc. v. Victor Silva*, Case 00212, September 13, 2012 where it was held that word "my" was not prima facie sufficiently distinctive to distinguish the disputed domain name from the Complainant's mark. As to the omission of the apostrophe, the addition or deletion of grammatical marks such as hyphens, apostrophes and circumflexes are insignificant changes, insufficient to reduce the identity or confusing similarity."

Likewise in <pirelli-tire.ca, pirelli-tires.ca, pirellitire.ca, pneupirelli.ca and pneuspirelli.ca>, the Panel stated:

14. In particular, the disputed domain names include the entirety of the PIRELLI mark and the Registrant cannot avoid confusion by incorporating the mark in the domain name. If

the trademark is included in a disputed domain name ..., a Registrant cannot avoid a finding of confusion by appropriating another's entire mark in a domain name; *RGIS Inventory Specialists v. AccuTrak Inventory*, BCICAC Case No. 00053; *Glaxo Group Limited v. Defining Presence Marketing Group Inc, (Manitoba)*, BCICAC Case No. 00020.

15. The addition of a descriptive or non-distinctive term such as the product name "tires" in a domain name does not militate against a finding of confusion and it actually enhances the likelihood of confusion, as internet users would naturally assume that the domain name was referring to the activities of the trademark owner in the field specified by the addition, namely in the present case, of "tires" or the French and Portugese (*sic*) language equivalent of tires, namely "pneus". As tires are the core product of the Complainant, consumers are likely to conclude that the domain names resolve to websites providing information about the Complainant's manufacture and sale of its brand of tires in Canada.

See also, *Compagnie Generale des Etablissements Michelin v. Jason Hughes*, October 12, 2016, Case No. 00322, at page 5 <cheapmichelintires.ca> and *Oakley v. Zhou Yayang*, April 27, 2012, CIRA Case No. 00188, at para. 17-18 <discount-oakleysunglasses-sale.ca>.

Likewise, this Panel concludes that the addition of a descriptive or non-distinctive term "beauty" in the domain name does not preclude a finding of confusion arising from the use of the Complainant's famous mark "Armani". Indeed, "armanibeauty" enhances the likelihood of confusion, as internet users would naturally assume that the domain name was referring to the activities of the Complainant as trademark owner in the field specified by the term "beauty", especially as the Complainant carries on business in that field. As a result, the Panel finds that the Complainant has satisfied the onus placed upon it and has demonstrated that the Domain is "confusingly similar" to the "Armani" Mark.

In addition, as required under Policy paragraph 4.1(a), the Complainant's rights in the "Armani" Mark predate the registration of the Domain and continue in existence to this day.

Policy Para 4.1(b) - Bad Faith

The Complainant says that the Registrant registered the Domain in bad faith and relies on paragraphs 3.5(a),(b), and (d) of the Policy.

The Complainant alleges that the Domain Name was registered in bad faith pursuant to paragraph 3.5(a) the Registrant has registered the Domain Name primarily for the purpose of selling the registration to the Complainant for valuable consideration in excess of the registrant's actual costs in registering the domain name. The Complainant emphasizes the offer for sale contained in the web page to which the domain name resolves in and the price of such offer (US\$9,999) (see Schedule 9.5). However, the Complainant also refers to Schedule 10, a three page

document. The first page states:

**"armanibeauty.ca
is for sale"**

The second page solicits an offer and stipulates:

"Minimum offer 90 USD"

In the Further Evidence submitted June 26, the Complainant explained this Schedule 10 is a screen shot of another offer made by the owner of the Domain through the Sedo system but it is different from that in the embedded image of page 7 of the Complaint. This is a starting offer ("minimum offer") of an auction made on a different day (April 7, 2017). However, there is reason to doubt that the "minimum offer" would be accepted. Evidence of a May 10, 2017 offer for a "quick transfer at the price 1999\$" was also presented with the Further Evidence submitted June 26.

Given that the dominant element of the Domain is the same as the Complainant's well-known "Armani" Mark and that the Domain is said to be for sale, the inference is irresistible that the intention of the Registrant in registering the Domain was to induce the Complainant to buy it for more than the Registrant's actual costs to register the Domain. The evidence of the dealings between the parties shows that this was the intention of the Registrant and that the Registrant carried it through by persisting (as far as May 10, 2017, after this proceeding had been commenced) in efforts to sell the Domain to the Complainant. This bad faith ground is made out.

With respect to paragraph 3.5(b) the Complainant says that the registration of the domain name by the Registrant prevents the Complainant from reflecting the mark in a corresponding domain name considered that the Domain entirely corresponds to the domain name used by the Complainant for its official e-commerce web site for beauty products (see Schedule 5). However, there is no evidence that the Registrant, alone or in concert with one or more additional persons has engaged in a pattern of registering domain names in order to prevent persons who have Rights in Marks from registering the Marks as domain names.

The Complainant does not expressly refer to paragraph 3.5(c) but refers to remarks of the Panel in *Magna International Inc. v Victor Silva*, September 13, 2012, Case No. 00212<mymagna.ca> in a context referable only to para 3.5(c). On this point, <mymagna.ca> relied on *Credit Counselling Society of British Columbia v. Solutions Credit Counselling Service Inc.*, BCICAC Case No. 0003 where the panel observed:

We therefore infer that it registered the Domain Name with a view to attract to itself business from those who had come to recognize the Complainant's Mark, that is primarily for the purpose of disrupting the business of the Complainant.

The Panel in <my magna.ca> went on to apply that principle stating (at para 23):

"... the use of the disputed domain name in the manner shown by the Complainant must result in internet users thinking that the Registrant is by some means affiliated with, or endorsed by, the Complainant. That must surely be so in a case such as this where MAGNA is truly a famous mark and has been so for many years. When a Registrant takes a famous name and, without permission or authority, uses it as the basis for a domain name and then a website that promotes competing goods and services, the only rational conclusion that can be reached is that this was being done by the Registrant to cast himself in the role of a competitor of the Complainant and to disrupt the Complainant's business and divert that business to himself, the Registrant. This ground is therefore made out. (*punctuation as in the original*)

However, while the Complainant submits evidence of unauthorized use of the famous "Armani" Mark and confusion, there is insufficient evidence to conclude that the Registrant registered the Domain primarily for the purpose of disrupting the business of the Complainant.

With respect to paragraph 3.5(d), the Complainant's evidence is that the Registrant is profiting from the Domain through "click-through revenue" intentionally attracting for commercial gain, Internet users to the Registrant's website or other on-line location by creating a likelihood of confusion with the ARMANI Trademarks and domain names as to the "source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product of service on the Registrant's web site or location".

Paragraph 3.5(d) provides as follows:

(d) the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

It is a well-established principle that pointing a domain name containing a third party trademark to a pay-per-click website may give rise to a finding of bad faith. These websites put a registrant in a position to reap a financial benefit by way of referral fees and do so by trading on the goodwill and reputation of the owner of the subject marks.

Home Depot of Canada Inc. v. Terry Davies, January 23, 2017, Case No. 00330 at para. 40
<homedpeot.ca>

S. Tous, S.L. v. Gnanavannan Ratnasabapathi, September 24, 2015, Case No. 00302 at para. 48
<tous.ca>

Meguiar's, Inc v Interex Corporate Registration Services Inc, March 9, 2015, Case No. 00278

at para. 38 <meguiars.ca>

In this case, the evidence is that the Registrant is profiting from the Domain's website through "click through revenue". The links on the website at the Domain include "Bourse Donna ARMANI" (Schedule 9.1) and "Armani Official Store - Giorgio Armani P/E 2017" (Schedule 9.2) and other perfume and online shopping stores links (see Schedule 9.1, 9.2, and 9.3). The Complainant says that this is likely to cause consumers to believe that the Domain is endorsed, sponsored, or approved by the Complainant. However, the Complainant had not authorized, permitted or allowed the Registrant to register or use the Domain Name. The Panel finds that the Registrant intentionally attempted to attract, for commercial gain, Internet users to an online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website which is evidence of bad faith per paragraph 3.5(d) of the Policy. Therefore, this bad faith ground is also made out.

The Panel also notes that the Registrant has not made any submissions to the Panel, including those suggesting that the Domain Names were not registered in bad faith.

General Motors LLC v. DS1 Design, May 29, 2013, Resolution Canada Case No. 00231 at para. 37 <buickcertifiedservice.ca, chevroletcertifiedservice.ca and cadillaccertifiedservice.ca>

In light of the foregoing, the Panel finds that the Registrant registered the Domain in bad faith as described in paragraphs 3.5(a) and (d).

Policy Para 4.1(c) - No Legitimate Interest

The final element of paragraph 4.1 for the Panel to determine is whether the Complainant has established "some evidence that the Registrant has no legitimate interest in the domain name as described in paragraph 3.4". The Policy lists, in paragraph 3.4, six "circumstances" which, "in particular but without limitation", demonstrate that the Registrant has a legitimate interest in a domain name.

Paragraph 3.4 of the Policy sets out a non-exhaustive list of criteria upon which the Panel may find, based on all the evidence, that the Registrant has a legitimate interest in the Disputed Domain Name. Paragraph 4.1 of the Policy places the onus on the Complainant to provide "some evidence" that the Registrant did not have a legitimate interest in the Domain. In *Home Depot of Canada Inc. v Terry Davies*, January 23, 2017, Case No. 00330 <homedpeot.ca> the Panel stated:

Although "some evidence" is not defined, it imposes, in the Panel's view, a lower threshold than on a balance of probabilities. The onus on the Complainant is to provide "some evidence" of a negative.

Paragraph 3.4 of the Policy essentially provides:

Any of the following circumstances demonstrate that the Registrant has a legitimate interest in a domain name if:

- (a) the domain name was a Mark, the Registrant used the Mark in good faith and the Registrant had Rights in the Mark;
- (b) the Registrant used the domain name in Canada in good faith in association with any wares, services or business and the domain name was clearly descriptive in Canada in the English or French language of:
 - (i) the character or quality of the wares, services or business;
 - (ii) the conditions of, or the persons employed in, production of the wares, performance of the services or operation of the business; or
 - (iii) the place of origin of the wares, services or business;
- (c) the Registrant used the domain name in Canada in good faith in association with any wares, services or business and the domain name was understood in Canada to be the generic name thereof in any language;
- (d) the Registrant used the domain name in Canada in good faith in association with a non-commercial activity including, without limitation, criticism, review or news reporting;
- (e) the domain name comprised the legal name of the Registrant or was a name, surname or other reference by which the Registrant was commonly identified; or
- (f) the domain name was the geographical name of the location of the Registrant's non-commercial activity or place of business.

In this context, the Panel is to evaluate the matter of "legitimate interest" based on "all evidence presented". The Complainant's unchallenged evidence is that the Registrant has no legitimate interest in the domain name as described in paragraph 3.4 of the Policy. In general, the use of the Domain in Canada was not a fair commercial use of the "Armani" Mark or any ARMANI Trademarks.

In particular:

- (a) The Registrant has no affiliation or connection with the Complainant and was not licenced or authorized by the Complainant to use the "Armani" Mark or any ARMANI Trademarks in any manner, including the registration of a domain name. In short, there is no evidence that the Registrant has any rights in the "Armani" Mark (paragraph 3.4(a) of

the Policy).

(b) The use of the Domain in Canada in the manner established on the evidence cannot constitute a good faith offering of goods or wares, services, or business (paragraph 3.4(b) of the Policy). Indeed, the Complainant's evidence is that the use made by the Registrant of the Domain is a commercial use, which misleads consumers and seriously tarnishes the ARMANI Trademarks creating confusion and damaging the image of the Complainant acquired after years of investments and efforts.

(c) The domain name "armanibeauty" is not a generic name in association with any wares, services or business and understood in Canada as such (paragraph 3.4(c) of the Policy).

(d) The Domain is used for a commercial purpose and clearly has no good faith association with a non-commercial activity such as criticism, review, news reporting, or any other activity (paragraph 3.4(d) of the Policy).

(e) According to the Complaint and Further Evidence, the domain name is not the legal name of the Registrant. She does not have any specific interest in using the word "armanibeauty" or the word "Armani" within the domain name and the Complainant says the Registrant has not been commonly known as "armanibeauty" (paragraph 3.4(e) of the Policy).

(f) Last, the domain name is clearly not a geographical name of the location of any non-commercial activity or place of business (paragraph 3.4(f) of the Policy).

The evidence submitted by the Complainant is sufficient to satisfy the onus on the Complainant to provide "some evidence" that the Registrant has no legitimate interest in the domain name.

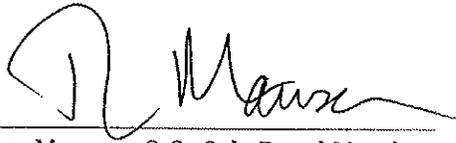
The Panel finds that the Complainant has provided "some evidence" that the Registrant does not have a legitimate interest in the Domain. Again, the Panel notes that the Registrant has not responded to this proceeding or presented any evidence to justify registration or use of the Domain.

G. DECISION & ORDER

The Panel finds that the Complainant has satisfied the applicable requirements of the Policy in accordance with the Rules.

As requested, the Panel orders the transfer of the Domain *armanibeauty.ca* to the Complainant, pursuant to paragraph 4.3 of the Policy.

Dated at Beijing, PRC, this 28th day of June, 2017

A handwritten signature in black ink, appearing to read 'T. Manson', written over a horizontal line.

Thomas Manson, Q.C., Sole Panel Member