

COMPLAINT UNDER THE .AU DISPUTE RESOLUTION POLICY (auDRP)

Filed with the Resolution Institute

Complainant	Ian du Plessis, trading as The Cruiser Store
ABN	74 692 085 180
Email	ianduplessisa@gmail.com / info@thecruiserstore.com
Representative	Anja Pich, Managing Lawyer, Lawpath Legal Pty Ltd
Representative Email	anja.pich@lawpath.com.au
Representative Phone	1800 528 729
Respondent	445 Pty Ltd (ACN 685 124 949) / Michael McFarland
Respondent Email	domains@ausmedia.biz / info@cruiserstore.au
Disputed Domain	cruiserstore.au
Registrar	Synergy Wholesale Accreditations Pty Ltd (Nexigen Digital)
Panel	Single member panel
Remedy Sought	Transfer of the domain name cruiserstore.au to the Complainant

1. Introduction

This complaint is made pursuant to the .au Dispute Resolution Policy (**auDRP**) (Policy No. 2016-01) and the Rules for the auDRP, and is filed with the Resolution Institute as approved provider under paragraph 4.2 of the Policy.

The Complainant requests that the disputed domain name **cruiserstore.au** be transferred to the Complainant pursuant to paragraph 4(i)(b) of the Policy.

2. Factual Background

2.1 The Complainant

The Complainant, Ian du Plessis, is the proprietor of the business trading as “**The Cruiser Store**” (**TCS**), an established Australian online retail business selling accessories and parts for Toyota Land Cruiser vehicles. The business has operated continuously since February 2023 through the websites **thecruiserstore.com** (registered 6 January 2023) and **thecruiserstore.com.au**.

TCS has developed substantial goodwill and reputation in the Australian market. As at the date of this complaint:

- (a) The business records approximately 2.7 million website sessions per annum (Google Analytics 4). (**Annexure A**)
- (b) The business has over 2,400 verified customer reviews with a 4.7/5 star rating on the Judge.me platform, with 98% of reviews verified as genuine purchases. (**Annexure A**)
- (c) The Cruiser Store Instagram account has approximately 14,700 followers, with the earliest post dated 3 March 2023, demonstrating continuous brand use from inception. (**Annexure A**)
- (d) The Cruiser Store Facebook page has approximately 17,000 followers. (**Annexure A**)
- (e) The Wayback Machine (archive.org) confirms that thecruiserstore.com.au was publicly accessible and actively trading by at least 23 July 2023, well before the registration of the disputed domain. (**Annexure A**)

2.2 The Respondent

The Respondent is 445 Pty Ltd (ACN 685 124 949, ABN 83 685 124 949). The domain registrant contact is listed as Michael McFarland, with contact email domains@ausmedia.biz. The disputed domain is registered through Synergy Wholesale Accreditations Pty Ltd (Nexigen Digital). **The domain was created on 27 August 2025**, as confirmed by auDA in correspondence dated July 2026 (auDA Case No. 00172373). This is approximately 2.5 years after the Complainant commenced trading. **(Annexure B)**

The Respondent operates a Shopify-based website at cruiserstore.au under the name “Cruiser Store – The LandCruiser Specialists.” The website’s footer states a location of Surry Hills, NSW.

The Wayback Machine (archive.org) contains three captures of cruiserstore.au. The earliest, dated 13 January 2026, shows the site in Shopify’s default password-protected “Opening Soon” state, confirming the domain was registered in August 2025 but the site was not publicly launched until some time between January and April 2026. The second capture, dated 13 April 2026, preserves the site in its original operational state after launch, displaying the copied branding, navigation structure, and product content that formed the basis of the Complainant’s cease and desist. A third capture (9 May 2026) is incomplete due to technical limitations and does not render accurately. **(Annexure G)**

2.3 Cease and desist

A formal cease and desist letter was issued by the Complainant’s solicitors, Lawpath Legal Pty Ltd, on 12 March 2026. The letter demanded that the Respondent cease trading under the name “Cruiser Store”, remove all copied content, cease using confusingly similar branding, and provide written confirmation of compliance within seven days. **(Annexure C)**

The Respondent responded by email on 14 March 2026, rejecting all claims. The Respondent asserted that its content was AI-generated, threatened counter-proceedings under section 202 of the *Copyright Act 1968* (Cth) for unjustified threats, and claimed the Complainant had no rights in the name “The Cruiser Store” because Toyota Motor Corporation holds a trademark for “Cruiser.” The Respondent did not comply with any of the demands. **(Annexure C)**

A follow-up letter was issued reiterating the demands and confirming the compliance deadline. The website remains fully active and operational as at the date of this complaint.

3. Element 1: The Domain Name is Identical or Confusingly Similar to a Name in Which the Complainant Has Rights

3.1 Complainant’s rights in the name

Paragraph 4(a)(i) of the Policy requires the Complainant to demonstrate that the disputed domain name is identical or confusingly similar to a name, trademark, or service mark in which the Complainant has rights.

For the purposes of the auDRP, auDA has determined that a “name ... in which the complainant has rights” includes “the complainant’s company, business or other legal or trading name, as registered with the relevant Australian government authority.” Importantly, a registered trademark is not required; a trading name with established goodwill is sufficient (*auDRP Overview 2.0*, section 1.2).

The Complainant has rights in the name “The Cruiser Store” by virtue of:

- (a) Continuous trading under the name since February 2023, predating the Respondent’s registration of the disputed domain on 27 August 2025 by approximately 2.5 years.
- (b) Registration of ABN 74 692 085 180 for the operation of the business.
- (c) Registration of the domains thecruiserstore.com (6 January 2023) and thecruiserstore.com.au.
- (d) Substantial and demonstrable goodwill established through approximately 2.7 million annual website sessions, over 2,400 verified customer reviews, and significant social media followings. **(Annexure A)**
- (e) The business name “Cruiser Store” is unavailable for registration with ASIC as it is considered too similar to existing registered names, which itself constitutes evidence of the distinctiveness and recognition of the Complainant’s trading name in the marketplace. **(Annexure A)**

3.2 The domain name is confusingly similar

The disputed domain **cruiserstore.au** is confusingly similar to the Complainant's established trading name "The Cruiser Store." The core and distinctive element of both names is identical: "**cruiserstore.**"

It is well established in auDRP jurisprudence that the top-level domain suffix (here, .au) is to be disregarded for the purpose of assessing confusing similarity, as it is a functional component of the domain naming system (*auDRP Overview 2.0*, section 1.1; *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd*, WIPO Case No. DAU2002-0001). Similarly, the removal of the article "The" from the Complainant's trading name is an immaterial distinction that does not prevent consumer confusion.

The .au top-level domain is, if anything, more likely to create confusion than a .com.au domain, as .au is the newer, more premium Australian namespace. Consumers searching for "Cruiser Store Australia" or similar queries are likely to perceive cruiserstore.au as the official or authoritative Australian website for the brand.

The confusing similarity is further confirmed by two independent indicators. First, a search of the ASIC business name register confirms that the business name "Cruiser Store" is unavailable for registration because it is considered too similar to existing registered names in the marketplace. If ASIC itself treats these names as too similar for concurrent registration, it follows that the domain cruiserstore.au is confusingly similar to The Cruiser Store. **(Annexure A)** Second, the domain's WHOIS record shows a status of "serverRenewProhibited - Not Currently Eligible For Renewal," suggesting the domain may already have been flagged or restricted by the registrar. **(Annexure B)**

The Complainant submits that the disputed domain name is confusingly similar to the Complainant's established trading name and that the first element of the Policy is satisfied.

4. Element 2: The Respondent Has No Rights or Legitimate Interests in the Domain Name

Paragraph 4(a)(ii) of the Policy requires the Complainant to demonstrate that the Respondent has no rights or legitimate interests in the disputed domain. The Complainant submits that none of the circumstances identified in paragraph 4(c) of the Policy apply, and that the evidence demonstrates an absence of any legitimate interest.

4.1 No bona fide offering of goods or services

The Respondent's website cannot process payments. At the time evidence was collected (4 June 2026), a test purchase was attempted and the Shopify checkout displayed the message "This store can't accept payments right now." No payment method options were presented. A website that cannot process payments has no legitimate commercial function and cannot constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. **(Annexure D)**

The Shopify "can't accept payments" error indicates that the Respondent has not completed Shopify's payment gateway setup, which is a basic requirement for any legitimate online store. This suggests the site was built for appearance and brand confusion, not for genuine commercial operation.

4.2 Suppliers confirm no relationship

Three independent suppliers have confirmed in writing that they have no commercial relationship with cruiserstore.au and have not authorised the use of their products or imagery on the Respondent's website:

- (a) **MSA 4x4** contacted the Complainant after receiving enquiries from a customer who mistakenly believed cruiserstore.au was the Complainant's website. MSA 4x4 independently described the site as potentially "fake" and noted that the product listings were "very inaccurate." **(Annexure E)**
- (b) **Xplore Aus** confirmed that cruiserstore.au has no authority to advertise, sell, or distribute its products, nor to use its proprietary product images. This evidence comes directly from the intellectual property owner whose products appear on the Respondent's website without consent. **(Annexure E)**
- (c) **Ultimate9** confirmed it was not aware of cruiserstore.au, has no direct commercial relationship with it, and has not authorised the use of the Complainant's proprietary content or branding on the Respondent's site. **(Annexure E)**

These independent supplier confirmations directly undermine any claim by the Respondent that it is operating as a legitimate or authorised retailer.

4.3 Incomplete and template-driven website

The Respondent's website displays multiple indicators of an incomplete, non-genuine operation:

- (a) The Terms of Service page (cruiserstore.au/policies/terms-of-service) contains unresolved Shopify template placeholders, including "[NOTE TO MERCHANT]" and "[LINK]." A legitimate business would not publish customer-facing legal pages containing raw template instructions. **(Annexure D)**
- (b) Multiple publicly accessible collection pages contain no products whatsoever, including /collections/wiper-blades and /collections/razorback-4x4-seat-covers, despite remaining indexed and accessible to customers via search engines. **(Annexure D)**
- (c) The site's social media link resolves to a generic YouTube page rather than a branded channel, indicating no independent social media presence has been established. **(Annexure D)**
- (d) The domain's WHOIS status is recorded as "serverRenewProhibited - Not Currently Eligible For Renewal," which is consistent with a domain that has been flagged or restricted. **(Annexure B)**

Taken together, these indicators demonstrate that the website is a facade: it has been constructed to appear as a functioning retail store, but lacks the basic operational infrastructure of a genuine business. Its purpose is to create brand confusion, not to trade.

4.4 The website is a systematic copy of the Complainant's

The evidence demonstrates extensive and systematic copying of the Complainant's website across every dimension of the online business. This is not a case of superficial similarity or independent development; the Respondent has reproduced the Complainant's entire commercial identity.

Branding and logo: The Respondent's original logo was a near-identical reproduction of the Complainant's logo with only the word "The" removed. Wayback Machine captures from 13 January 2026 preserve this original copied version. While the Respondent subsequently modified its logo following the cease and desist, it retains visual similarities to the Complainant's established branding, and the original copying is preserved in the archived evidence. On the Respondent's Facebook page, the compacted version of the logo removed both "The" and the letter "t" from the Complainant's original design. **(Annexure F - sections 3.1, 3.6.6)**

Navigation and site architecture: The Respondent reproduced the Complainant's entire navigation structure, including the Vehicle Selector dropdown categories, menu organisation, and footer layout. Both sites use black backgrounds with white text, identical link groupings, and newsletter signup modules in their footers. The site architecture was copied rather than independently developed. **(Annexure F - sections 3.2, 3.6.2, 3.6.3)**

Curated brands list: The Respondent reproduced the Complainant's exact, curated list of supplier brands. This is not a generic industry list but the specific selection of brands chosen and arranged by the Complainant for its store. Three of these brands - MSA 4x4, Xplore Aus, and Ultimate9 - have independently confirmed they have no affiliation with the Respondent's website and have not authorised the use of their products or images. The reproduction of a curated brand list from which the listed suppliers have actively disavowed any connection is strong evidence of copying and of the absence of any legitimate interest. **(Annexure F - section 3.6.4; Annexure E)**

Product pages and URLs: The Respondent uses identical product URL slugs to the Complainant. For example, both sites use /products/phone-mount-kit-toyota-land-cruiser-70 for the Offroad 70 Series phone mount, and near-identical URLs for the NSV Smart Integrated Compressor System. The NSV Compressor product page on cruiserstore.au uses imagery that was originally created by the Complainant and constitutes the Complainant's intellectual property. The reproduction of identical URL structures extends beyond merely selling the same third-party products and demonstrates copying of the Complainant's site architecture. **(Annexure F - sections 3.5, 3.6.5)**

Product image watermarks: The Respondent applies "CRUISERSTORE.AU" watermarks to product category images in a format strikingly similar to the Complainant's own "THECRUISERSTORE.COM.AU" watermarks. This mimicry extends even to the method of branding product imagery. **(Annexure F, Annexure G)**

Google search metadata: A site-specific Google search (site:cruiserstore.au “The Cruiser Store”) reveals at least 13 indexed pages where the Respondent’s website still contains references to “The Cruiser Store” in its metadata. These are not isolated errors but systematic remnants of copied content that are visible to consumers in Google search results before they even visit the website, compounding the likelihood of confusion. **(Annexure F - section 3.3)**

Direct textual reference: Most significantly, the Respondent’s own blog content (cruiserstore.au/blogs/the-cruiser-guy/jacob-the-cruiser-guy-mcfarland-35-year-toyota-expert) contains direct textual references to “The Cruiser Store” by name, including statements referencing being “focused on keeping the newest Toyotas on the tracks at The Cruiser Store” and “The Cruiser Store Builds.” This is unambiguous evidence of incomplete relabelling of cloned content. The Respondent did not create this content independently; it was lifted from the Complainant’s materials and incompletely rebranded. **(Annexure F - section 3.4)**

Facebook presence: The Respondent created a Facebook page at facebook.com/Cruiserstore.au that mirrors the Complainant’s established Facebook page, using confusingly similar branding, content, and layout. This extends the brand confusion beyond the website and into social media platforms where consumers discover and engage with businesses. **(Annexure F - section 3.6.6)**

The Complainant submits that the sheer scope and depth of the copying - encompassing branding, logo, navigation, product architecture, URL structures, icons, imagery, watermarks, metadata, blog content, social media, and the curated brands list - is overwhelming evidence that the Respondent has no independent or legitimate interest in the domain. The website is not a competing business that happens to have a similar name; it is a deliberate clone designed to be mistaken for the Complainant’s established business.

The Complainant submits that the Respondent has no rights or legitimate interests in the domain name and that the second element of the Policy is satisfied.

5. Element 3: The Domain Name Has Been Registered or Subsequently Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to demonstrate that the domain was registered or subsequently used in bad faith. Under the auDRP, it is sufficient to establish either bad faith registration *or* bad faith use, unlike the UDRP which requires both (*auDRP Overview 2.0*, section 3.1). The Complainant submits that both limbs are satisfied.

5.1 Bad faith registration

Paragraph 4(b)(ii) of the Policy identifies as evidence of bad faith the registration of a domain name “in order to prevent the owner of a name, trademark or service mark from reflecting that name or mark in a corresponding domain name.”

The domain cruiserstore.au was created on **27 August 2025** (as confirmed by auDA, Case No. 00172373), approximately 2.5 years after the Complainant commenced trading in February 2023 and had established substantial goodwill. The domain name reproduces the Complainant’s trading name with only the article “The” removed. Given the Respondent’s demonstrable knowledge of the Complainant’s business (as evidenced by the wholesale copying of its website content, navigation, product architecture, and branding), the registration was plainly undertaken with knowledge of and in bad faith towards the Complainant’s established rights. **(Annexure B)**

5.2 Bad faith use

Paragraph 4(b)(iv) of the Policy identifies as evidence of bad faith the use of a domain name to “intentionally attempt to attract, for commercial gain, Internet users to [the Respondent’s] web site or other on-line location, by creating a likelihood of confusion with the complainant’s name or mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent’s] web site or location or of a product or service on [the Respondent’s] web site or location.”

The Respondent’s website is deliberately designed to be confused with the Complainant’s established business. The extensive copying documented at section 4.4 above demonstrates an intentional attempt to attract internet users by creating a likelihood of confusion with the Complainant’s name.

Additional indicia of intentional bad faith use include:

- (a) The use of the tagline “The LandCruiser Specialists” which mirrors the Complainant’s market positioning and is displayed prominently on the Respondent’s homepage. **(Annexure G)**
- (b) The application of “CRUISERSTORE.AU” watermarks to product images in a format deliberately mimicking the Complainant’s own “THECRUISERSTORE.COM.AU” watermark style, which goes beyond content copying to replication of the Complainant’s brand protection methodology. **(Annexure F, Annexure G)**
- (c) The creation of a Facebook page at facebook.com/Cruiserstore.au that mirrors the Complainant’s established Facebook presence, extending the brand confusion into social media. **(Annexure F - section 3.6.6)**
- (d) The Respondent’s post-C&D conduct: rather than complying with the demands, the Respondent made only superficial changes (altering some product images using AI tools) while continuing to trade under the same confusingly similar domain and brand identity. This demonstrates a deliberate choice to persist in the infringing conduct. **(Annexure C, Annexure G)**
- (e) The use of the same colour scheme (black and white) and overall trade dress as the Complainant’s website, creating a consistent visual impression designed to be confused with the Complainant’s brand. **(Annexure F, Annexure G)**

5.3 Quantified traffic diversion

An independent SEO analysis prepared by StudioHawk (dated 20 July 2026) using the Complainant’s verified Google Search Console data and third-party Semrush data demonstrates the scale of the traffic diversion caused by the Respondent’s domain. **(Annexure H)**

The Complainant’s branded search performance has collapsed since the Respondent’s site gained visibility in approximately mid-February 2026. The Complainant’s own Search Console data shows:

- (a) Average daily branded clicks fell from 99.4 to 23.4, a decline of approximately 76%.
- (b) Average click-through rate (CTR) collapsed from 48.5% to 13.9%, a drop of approximately 35 percentage points.
- (c) Average daily impressions declined only modestly from 204.5 to 167.8 (approximately 18%), and average search position remained essentially unchanged at 1.2 to 1.6.
- (d) Applying the baseline daily click rate across the 143-day impact window, an estimated 10,800 or more branded organic clicks were lost compared to the prior trend. **(Annexure H)**

The critical finding is that the Complainant’s search ranking and impressions have barely moved - consumers are still searching for The Cruiser Store and seeing it in results. What has collapsed is the click-through rate, indicating that consumers are seeing the Complainant’s listing but clicking on a different result instead, most likely cruiserstore.au which appears at position 2 directly beneath the Complainant’s listing in Google search results for both “the cruiser store” and “cruiser store.” **(Annexure H)**

Third-party Semrush data further confirms that the Respondent’s branded search terms “the cruiser store” and “cruiser store” both rank at position 2 for the Respondent’s site and together account for approximately 41% of all its estimated organic traffic. An estimated 160 or more of the Respondent’s approximately 397 monthly visits are consumers searching directly for The Cruiser Store by name and landing on the Respondent’s site instead. **(Annexure H)**

The StudioHawk report also identifies that the Respondent’s backlink profile is large (263 referring domains, 1,120 total backlinks) but overwhelmingly low quality, with 81% of referring domains having an Authority Score of 0 to 10. The backlink growth pattern - flat through most of 2025, then climbing steadily from October 2025 - is consistent with a deliberate, sustained link-building push rather than organic link-earning. A cluster of highly specific commercial anchor texts all landed within a three-day window in April 2026, consistent with mass-submission for indexing shortly after launch. **(Annexure H)**

5.4 Actual marketplace confusion

The Complainant has documented evidence of actual consumer confusion, which, while not required under the Policy, is strongly probative of bad faith use:

- (a) Supplier MSA 4x4 contacted the Complainant after receiving enquiries from customers who mistakenly believed cruiserstore.au was the Complainant's official website. The supplier independently questioned the legitimacy of the site and raised concerns about the accuracy of its content. **(Annexure E)**
- (b) The StudioHawk SEO analysis confirms that internet traffic is flowing to the Respondent's website from users searching for the Complainant's brand, with branded clicks to the Complainant down 76% since the Respondent's site gained visibility. **(Annexure H)**
- (c) Suppliers including Xplore Aus and Ultimate9 have confirmed they were not aware of the Respondent's website and have no relationship with it, yet their products and imagery appear on the site without authorisation. **(Annexure E)**

5.5 Response to cease and desist confirms bad faith

Following receipt of the cease and desist letter on 12 March 2026, the Respondent made only superficial changes to its website (altering some product images using AI tools) but continued to operate under the same confusingly similar domain and brand identity. The Respondent did not comply with any of the demands. The Respondent's response was combative and made legally unfounded assertions, including that the Complainant has no rights in the name "The Cruiser Store" because Toyota Motor Corporation holds a trademark for "Cruiser." This assertion conflates descriptive use of a vehicle name with the Complainant's established trading name and composite brand identity. **(Annexure C)**

5.6 Pattern of bad faith conduct

Paragraph 4(b)(ii) of the Policy identifies as evidence of bad faith circumstances indicating that the Respondent has "registered the domain name in order to prevent the owner of a name ... from reflecting that name ... in a corresponding domain name, provided that [the Respondent has] engaged in a pattern of such conduct."

The Complainant has recently discovered that the same Respondent (445 Pty Ltd / Michael McFarland, confirmed by WHOIS records) has registered the domain **summit4x4store.au**. The Complainant also operates a second retail brand, "Summit 4x4 Store," at the domain summit4x4store.com.au. The Respondent's domain summit4x4store.au displays a website using a logo confusingly similar to the Complainant's Summit 4x4 Store branding, contains profane language directed at the Complainant, and contains no purchasable products. **(Annexure I)**

This is direct evidence that the Respondent has engaged in a pattern of registering domain names that correspond to the Complainant's established brand names, for the purpose of preventing the Complainant from reflecting those names in corresponding .au domains and of causing brand confusion and disruption. The conduct extends beyond the single domain in dispute and demonstrates a deliberate, targeted, and repeated pattern of bad faith registration aimed at the Complainant's businesses.

The inclusion of profane language on the summit4x4store.au website further demonstrates the Respondent's hostile intent and the absence of any legitimate commercial purpose.

5.7 No legitimate commercial function

As noted at section 4.1 above, the Respondent's website cannot process payments. A website that replicates an established business's brand and product offerings but cannot complete a sale has no legitimate purpose. Its sole function is to present as a credible retail store that consumers may mistake for The Cruiser Store, without providing any legitimate retail service in return. This is the hallmark of bad faith use.

The Complainant submits that the domain name has been both registered and used in bad faith and that the third element of the Policy is satisfied.

6. Remedy Sought

The Complainant requests that the domain name cruiserstore.au be transferred to the Complainant pursuant to paragraph 4(i)(b) of the Policy. The Complainant is eligible to hold a .au domain name as an Australian business with ABN 74 692 085 180.

7. Other Legal Proceedings

The Complainant has lodged complaints with Google and Shopify regarding the infringing content on cruiserstore.au. A cease and desist letter was issued on 12 March 2026 and follow-up correspondence was issued in response to the Respondent's rejection. No court proceedings have been commenced in relation to the disputed domain.

8. Mutual Jurisdiction

In accordance with paragraph 3(b)(xiii) of the Rules, the Complainant will submit, with respect to any challenges to a decision in the administrative proceeding cancelling or transferring the domain name, to the jurisdiction of the courts of New South Wales, Australia.

9. Certification and Declaration

The Complainant certifies that:

- (a) The information contained in this complaint is, to the best of the Complainant's knowledge, complete and accurate.
- (b) This complaint is not being presented for any improper purpose, such as to harass.
- (c) The assertions in this complaint are warranted under the auDRP, the Rules, and applicable law, as it now exists or as it may be extended by a good faith and reasonable argument.
- (d) The Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain name holder and waives all such claims and remedies against: (i) the dispute resolution Provider and panellists, except in the case of deliberate wrongdoing; (ii) the registrar; (iii) the registry administrator; and (iv) auDA, as well as their directors, officers, employees, and agents.

Annexure Index

Annexure	Description
A	Complainant's rights and trading history: Wayback Machine captures, domain WHOIS records, Shopify order history, GA4 traffic data, Judge.me reviews, Instagram and Facebook presence, ASIC business name search
B	Respondent identification: WHOIS records for cruiserstore.au, ASIC company extract for 445 Pty Ltd, registrar details, auDA confirmation of domain creation date (27 August 2025)
C	Cease and desist correspondence: Lawpath Legal letter dated 12 March 2026, Respondent's email response dated 14 March 2026, follow-up correspondence
D	Lack of legitimate interest: checkout payment failure screenshots (4 June 2026), unfinished template content (Terms of Service placeholders), empty collection pages, incomplete social media setup
E	Actual market confusion and supplier evidence: correspondence from MSA 4x4 (documenting customer confusion), Xplore Aus (confirming no authorisation), and Ultimate9 (confirming no affiliation)
F	Copying evidence: logo comparisons (pre- and post-C&D, including Wayback Machine captures), navigation and menu structure comparisons, Google metadata showing 'The Cruiser Store' references on 13+ indexed pages, direct textual reference on Respondent's blog, product URL matches, icon comparisons, footer comparisons, brand list comparisons, Facebook page comparisons, product image watermark comparisons
G	Timeline and current evidence: chronological timeline of events from February 2023 to 4 June 2026, current state screenshots, Wayback Machine captures of cruiserstore.au (13 January 2026 and 13 April 2026)

H	SEO traffic diversion report: StudioHawk report dated 20 July 2026, including Google Search Console data (branded click and CTR analysis), Semrush backlink and organic keyword analysis, Google SERP screenshots showing cruiserstore.au at position 2 for branded terms
I	Pattern of conduct evidence: WHOIS records for summit4x4store.au (confirming same registrant), screenshots of summit4x4store.au website (profane content and copycat logo), screenshot of summit4x4store.com.au (Complainant's legitimate site)

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Date: 29 July 2026