

## **ADMINISTRATIVE PANEL DECISION**

Amazon Europe Core S.a.r.l. / Amazon Technologies Inc. v. Giorgi Chikadze  
Case No. DGE2023-0002

### **1. The Parties**

Complainant is Amazon Europe Core S.a.r.l., Luxembourg and Amazon Technologies Inc., United States of America (“U.S.”), represented by PETOŠEVIĆ, Ukraine.

Respondent is Giorgi Chikadze, Georgia.

### **2. The Domain Name and Registry**

The disputed domain name <amazonshop.ge> (the “Domain Name”) is registered with Caucasus Online LLC (the .GE Registry).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 9, 2023. On the same day, the Center transmitted by email to the .GE Registry a request for registry verification in connection with the Domain Name. On January 10, 2023, the .GE Registry transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to Complainant on the same January 10, 2023 providing the registrant and contact information disclosed by the .GE Registry, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 14, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .GE Domain Name Dispute Resolution Policy (the .GE Policy), the Rules for .GE Domain Name Dispute Resolution Policy (the .GE Rules), and the WIPO Supplemental Rules for .GE Domain Name Dispute Resolution Policy (the Supplemental Rules).

In accordance with the .GE Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on January 16, 2023. In accordance with the .GE Rules, paragraph 5, the due date for Response was February 5, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 6, 2023.

The Center appointed Marina Perraki as the sole panelist in this matter on February 10, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the .GE Rules, paragraph 7.

#### **4. Factual Background**

Complainants are subsidiaries and intellectual property holding companies for Amazon.com, Inc. Amazon.com, Inc. is a multinational leading information technology company providing services in the fields of e-commerce, cloud computing, digital streaming, and artificial intelligence. Amazon.com Inc. was incorporated in July 1994. The online retail website “www.amazon.com” was launched in July 1995. Amazon.com, Inc. completed its initial public offering in May 1997 and its common stock is listed on the Nasdaq Global Select Market. Under “www.amazon.com” Complainants’ group provides online retail services worldwide and ships goods internationally to more than 100 countries outside of the U.S. Its net sales reached USD 127.1 billion in 2021. As of December 31, 2021, Amazon.com, Inc. employed approximately 1,608,000 employees.

Complainants own numerous trademark registrations for AMAZON, including:

- International trademark registration No. 756850, AMAZON (figurative), registered on December 18, 2000, for goods and services in international classes 9, 16, 28, 35, 36, 38, 39, 41 and 42;
- International trademark registration No. 751641, AMAZON (word), registered on September 15, 2000, for goods and services in international classes 1 to 42;
- International trademark registration No. 705873 AMAZON (word), registered on December 03, 1998, for goods and services in international classes 7, 11 and 24; and
- Georgian trademark registration No. 13820 AMAZON.COM” (word), filed on December 21, 1999 and registered on March 21, 2001 for goods and services in international classes 35, 36, 38, 39, 41, 42;

Complainants’ trademark AMAZON is currently one of the world’s most famous and recognizable trademarks, ranking No. 2 in the Interbrand’s Best Global Brands report for 2021.

The domain name <amazon.com>, where the Amazon’s e-commerce website is located, was registered by Amazon.com, Inc. on November 01, 1994. The current registrant is second Complainant, Amazon Technologies, Inc. In addition, Complainants have multiple domain name registrations comprising AMAZON, including <amazon.it>, <amazon.fr>, <amazon.co.uk>.

The Domain Name was registered on June 6, 2020 and has lead to different sites at different times. In particular, at the time of filing of the Complaint, the Domain Name lead to a website marketplace in Georgian which purported to be that of Complainants, eminently displaying their trademarks and logos. It currently redirects to a third party website marketplace in Georgian.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainants assert that they have established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

## B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Paragraph 4(a) of the .GE Policy lists the three elements, which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

This Panel points out the similarities between the .GE Policy and the Uniform Dispute Resolution Policy ("UDRP") since it is based upon and is a variant of the UDRP. Therefore, to benefit from interpretation criteria applicable to the existing circumstances, this Panel will rely on previous decisions issued within the framework of the UDRP and the jurisprudence reflected in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

### A. Identical or Confusingly Similar

The Domain Name incorporates Complainant's AMAZON trademark in its entirety. This is sufficient to establish confusing similarity (*Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. [D2000-1525](#)).

The word "shop" which is added in the Domain Name, does not avoid a finding of confusing similarity ([WIPO Overview 3.0](#), section 1.8).

The country code Top-Level Domain ("ccTLD") ".ge" is disregarded, as Top-Level Domains typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Name is confusingly similar to Complainant's AMAZON trademark.

Complainant has established .GE Policy, paragraph 4(a)(i).

### B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to Respondent of the dispute, Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) Respondent (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per Complainants, Respondent was not authorized to register the Domain Name.

Respondent has not demonstrated any preparations to use, or has not used the Domain Name or a trademark corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainants demonstrated, the Domain Name lead to different commercial sites at different times. At the time of filing of the Complaint it lead to a website used to impersonate Complainant and attempt to mislead consumers into thinking that the services purportedly offered through the website originate from Complainants, as the trademark AMAZON was featured prominently on the website. Such use demonstrates neither a *bona fide* offering of goods nor a legitimate interest of Respondent (*Arkema France v. Aaron Blaine*, WIPO Case No. [D2015-0502](#)).

The Domain Name falsely suggested that the website was an official site of Complainant or of an entity affiliated to or endorsed by Complainant. The website extensively reproduced, without authorization by Complainants, Complainants' trademark without any disclaimer of association (or lack thereof) with Complainants.

The Domain Name currently redirects to a commercial third party site.

The Panel finds that, in light of the demonstrated earlier use, these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established .GE Policy, paragraph 4(a)(ii).

### **C. Registered or Used in Bad Faith**

Paragraph 4(b) of the .GE Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith.

Because the AMAZON mark had been widely used and registered by Complainant before the Domain Name registration, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when

registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)). Its reputation has been repeatedly recognized (*Amazon Technologies, Inc. and Amazon Europe Core S.à.r.l. v. Hei Ze Shang Zi*, WIPO Case No. [D2020-3012](#), *Amazon Europe Core S.à.r.l. v. Daniel Tudor*, WIPO Case No. [DRO2018-0001](#)).

Respondent should have known about Complainants' rights, given their worldwide reputation.

Furthermore, the content of the website to which the Domain Name lead at the time of filing of the Complaint, gave the impression that it originated from Complainants, prominently displaying the AMAZON trademark, thereby giving the false impression that the website emanates from Complainants. This further supports registration in bad faith reinforcing the likelihood of confusion, as Internet users are likely to consider the Domain Name as in some way endorsed by or connected with Complainants ([WIPO Overview 3.0](#), section 3.1.4).

The above further indicates that Respondent knew of Complainants and chose the Domain Name with knowledge of Complainant and its industry (*Safepay Malta Limited v. ICS Inc.*, WIPO Case No. [D2015-0403](#)).

As regards bad faith use, Complainant demonstrated that the Domain Name was at the time of filing of the Complaint, employed to host a website which appeared falsely to be that of Complainant. The Domain Name has been operated by intentionally creating a likelihood of confusion with Complainant's trademark and business. This further supports the finding of bad faith use (*Aktiebolaget Electrolux v. Priscilla Quaiotti Passos*, WIPO Case No. [D2011-0388](#) and [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1).

The Domain Name currently redirects to a third party website marketplace in Georgian.

Under these circumstances and on this record, the Panel finds that Respondent registered and used the Domain Name in bad faith.

Complainant has established .GE Policy, paragraph 4(a)(iii)

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the .GE Policy and 15 of the .GE Rules, the Panel orders that the disputed domain name, <amazonshop.ge> be transferred to the second Complainant, Amazon Technologies Inc.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: February 24, 2023