

ADMINISTRATIVE PANEL DECISION

Deciem Beauty Group Inc v. Ashkan Davabi
Case No. DGE2026-0004

1. The Parties

The Complainant is Deciem Beauty Group Inc, Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Ashkan Davabi, Georgia.

2. The Domain Name and Registry

The disputed domain name <theordinary.ge> 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 March 18, 2026. On March 19, 2026, the Center transmitted by email to the .GE Registry a request for registry verification in connection with the disputed domain name. On March 20, 2026, the .GE Registry transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 24, 2026 providing the registrant and contact information disclosed by the .GE Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on the same day.

The Center verified that the Complaint together with the amendment to the 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 the Respondent of the Complaint, and the proceedings commenced on March 30, 2026. In accordance with the .GE Rules, paragraph 5, the due date for Response was April 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 20, 2026.

The Center appointed Alfred Meijboom as the sole panelist in this matter on April 22, 2026. 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

The Complainant is a skin care and beauty company which was established in 2013. The Complainant has more than 50 products sold in many markets around the world, including Georgia, and generated over a billion dollars in revenue.

The Complainant claims that it owns over 760 trademark registrations worldwide that contain, or are comprised of, THE ORDINARY, including

- European Union trademark THE ORDINARY, with registration number 015761182 of December 8, 2016 for products in class 3; and
- Georgia trademark THE ORDINARY, with registration number 31447 of July 15, 2019 for products in class 3.

The Complainant also operates a website at “www.theordinary.com”.

The disputed domain name was registered on October 28, 2025 and resolves to a website which is purportedly from “The Ordinary Georgia” and on which an English-language online store is operated using THE ORDINARY trademarks and copyrighted images of the Complainant’s products, and on which THE ORDINARY products are purportedly offered for sale at, apparently, reduced prices. The “Contact Us”, “About Us” and “Track Your Order” links on this website were allegedly inactive.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the .GE Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its THE ORDINARY trademarks, as the disputed domain name is comprised exclusively of THE ORDINARY trademark.

The Complainant contends that the Respondent lacks right or legitimate interests in the disputed domain name because there has never been any relationship between the Complainant and the Respondent, and the Respondent is not licensed, or otherwise authorized to register or use THE ORDINARY trademarks in any manner whatsoever, including in, or as part of, a domain name. The Complainant alleges that the Respondent’s activities completely undermine a claim of rights or legitimate interests as the Respondent has engaged in the wholesale misappropriation of the Complainant’s THE ORDINARY trademarks and copyrighted works. According to the Complainant, the disputed domain name is designed to dupe end users into believing that the Respondent is authorized by the Complainant as a dealer in Georgia. Moreover, the Complainant contends that there is no evidence to suggest that the Respondent has been commonly known by the disputed domain name, or that the Respondent is making, or intends to make, a legitimate noncommercial or fair use of the disputed domain name.

According to the Complainant, the Respondent’s registration and use of the disputed domain name has been in bad faith. The Complainant alleges that the Respondent registered the disputed domain name for the purpose of disrupting the business of the Complainant, who is a competitor of the Respondent. The Complainant asserts that the Respondent has passed itself off as the Complainant rendering the

Respondent a competitor of the Complainant. Further, the Complainant contends that the disputed domain name falsely suggests that the Respondent is authorized, and the Respondent's website featured the Complainant's intellectual property in such a manner as to suggest that the Respondent is connected or authorized by the Complainant. According to the Complainant, the use of the disputed domain name is disruptive to the Complainant as potential consumers are likely be confused or misled into believing that the Respondent is somehow affiliated with, or sponsored by, the Complainant, while the purpose behind the registration of the disputed domain name is to piggyback on the goodwill associated with THE ORDINARY trademarks in an attempt to exploit, for commercial gain, Internet traffic properly destined for the Complainant. The Complainant alleges that, under these circumstances, it is reasonable to infer that the Respondent not only knew this diversion would be disruptive but also intended it to be so.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)")¹, section 4.3, the consensus view of panels is that the respondent's default does not automatically result in a decision in favor of the complainant.

The Complainant must still establish each of the three elements required by paragraph 4(a) of the .GE Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4(a) of the .GE Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the .GE Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the .GE Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the .GE Policy, the Complainant must prove that:

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

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the .GE Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the Complainant's THE ORDINARY trademark is included in its entirety in the disputed domain name, which is therefore identical to the Complainant's THE ORDINARY trademark.

The Panel finds the first element of the .GE Policy has been established.

¹ Given the similarities between the .GE Policy on the one hand, and the Uniform Domain Name Dispute Resolution Policy ("UDRP") on the other hand, the Panel considers some UDRP panel decisions as well as the applicable sections of the [WIPO Overview 3.1](#) relevant to the present proceeding and will refer to them where appropriate (except to the extent of relevant differences between the policies, such as the absence of a conjunctive requirement for bad faith).

B. Rights or Legitimate Interests

Paragraph 4(c) of the .GE Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in .GE Policy proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the .GE Policy or otherwise.

As the disputed domain name resolves to a website which purportedly offered the Complainant’s products for sale and for which the Complainant’s THE ORDINARY trademarks and product images are used, the Panel first needs to decide if the Respondent (could have) made a bona fide offering of goods via the disputed domain name and if the criteria set forth in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), (the “Oki Data criteria”), which panels commonly apply in matters of resale, were met. Under this Oki Data test, the following cumulative requirements apply (see also [WIPO Overview 3.1](#), section 2.8):

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the website to sell only the trademarked goods or services;
- (iii) the website must accurately and prominently disclose the registrant’s relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark, thus depriving the trademark owner of the ability to reflect its own mark in a domain name.

The evidence submitted by the Complainant shows that the Respondent’s website does not mention its relationship with the Complainant, but instead falsely suggests a connection with the Complainant through the prominent use of the Complainant’s THE ORDINARY trademarks, the use of the Complainant’s product images, the absence of any contact information, but instead the prominent use on the website of “The Ordinary Georgia”, including in the copyright notice, which undisputedly implies a relationship with the Complainant, which the Complainant in turn denied. The Panel is therefore satisfied that the Respondent failed to accurately and prominently disclose its lack of relationship with the Complainant and therefore failed the Oki Data test.

The Respondent therefore used the disputed domain name without the Complainant’s consent, allegedly offering the Complainant’s products without its permission, and using the Complainant’s trademark and product images without authorization, with the clear intention of profiting from the reputation and goodwill of THE ORDINARY trademarks.

The Panel is therefore satisfied that the disputed domain name is not being used for a bona fide offering of goods, and the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel finds the second element of the .GE Policy has been established

C. Registered or Used in Bad Faith

Paragraph 4(b) of the .GE Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

The Complainant has demonstrated that, since 2019, it has been owner of a registered THE ORDINARY trademark in Georgia, where the Respondent apparently resides, which is more than six years prior to the Respondent's registration of the disputed domain name, and that after registration, the disputed domain name has resolved to a website where products bearing the Complainant's THE ORDINARY trademark were offered for sale, and on which the Respondent passed itself off as "The Ordinary Georgia". The Panel infers from this, in the absence of any explanation from the Respondent, that the Respondent must have registered the disputed domain name in the knowledge of THE ORDINARY trademark and with the intention to target it. Consequently, the Panel is satisfied that the disputed domain name was registered in bad faith.

As the Panel found that the disputed domain name was registered in bad faith, it is not required by the .GE Policy, unlike in UDRP cases, to also establish that the disputed domain name is being used in bad faith. Nevertheless, the Panel finds, for completeness, that the disputed domain name has also been used in bad faith. The reasons for its finding are that the Respondent's use of the disputed domain name - identical to the Complainant's trademark - in connection to the offering for sale of the Complainant's THE ORDINARY products, without accurately and prominently disclosing the Respondent's (lack of) relationship with the Complainant, and rather passing itself off as "The Ordinary Georgia", constitutes an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with THE ORDINARY trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the products offered on the Respondent's website. The Panel is therefore satisfied that the Complainant also showed that the Respondent has used the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the .GE Policy

The Panel therefore finds that the third element of the .GE Policy has also been established

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 <theordinary.ge> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: May 6, 2026