



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	27493-CDRP	Decision date: August 31, 2026
Domain Name:	<decky.ca>	
Panel:	Richard Levy (Chair), Zak Muscovitch, James Plotkin, Q.Arb,	
Complainant:	Decky Co., Inc.	
Registrant:	Abbas Hamdan	

1. OVERVIEW

This matter concerns a registered domain, **decky.ca** (the “Domain Name”).

This matter is a proceeding under the Canadian Dispute Resolution Policy (“CDRP”) and the Canadian Dispute Resolution Rules (“Rules”) of the Canadian Internet Registry Authority (“CIRA”). The Canadian International Internet Dispute Resolution Centre (“CIIDRC”) is a recognized service provider to the CIRA Domain Name Dispute Resolution Policy (the “Policy”) of the Canadian Internet Registration Authority (“CIRA”).

2. PROCEDURAL HISTORY

The procedural history of this case was set out in a letter from CIIDRC to the Panel:

1. On July 9, 2026, Felicia Guardado filed a Complaint on behalf of Decky Co., Inc., pursuant to the CDRP and the Resolution Rules. The complaint was in administrative compliance with CIRA’s requirements under Rule 3.2.
2. On July 9, 2026, CIRA was notified of this proceeding and on the same day, CIRA transmitted by email to CIIDRC its verification response informing that the registrant of the Disputed Domain Name is Abbas Hamdan (the “Registrant”). CIRA also confirmed that the disputed domain name was

Domain Name: <decky.ca>
27493-CDRP

placed on a Registrar LOCK and that the Domain Name has a Registration Date of 2022-05-27 (the “Registration Date”).

3. Pursuant to Resolution Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding and forwarded a Notice of Complaint along with the Complaint to the Registrant on July 14, 2026.
4. The deadline for submitting a Response was set for August 3, 2026.
5. On August 1, 2026, the Registrant filed its Response to the Complaint.
6. The Complainant deposited the required Panel fee on August 12, 2026.
7. In accordance with Paragraph 6 of the Rules, the Provider appointed a three-member Panel, with consideration to the nominees of the parties, and selected a Chair.
8. CIIDRC named **Zak Muscovitch** and **James Plotkin, Q.Arb.** as panelists. **Richard Levy** was named as Chair of the Panel.
9. Absent exceptional circumstances, and pursuant to Resolution Rule 12.2, the panel’s decision is due by **September 5, 2026**.

The Domain Name was registered on 2022-05-27 .

3. FACTS

10. Approximately one month before registration of the Domain Name, Registrant became a customer of Complainant by purchasing products bearing the mark DECKY (the “Mark”).
11. Complainant states that it has registered two-word marks and two design marks that include the word DECKY in the United States, at the USPTO (the “DECKY marks”).
12. Complainant states that it owns Canadian Registration no. 1,921,801 and produced as Annex A-1 a Certificate of Registration number 1 921 801 certified by WIPO as having been registered on May 7, 2026, in the International Register of Marks maintained under the Madrid Agreement and Protocol. This Certificate of Registration indicates “Canada” following “Designations under the Madrid Protocol” and indicates “June 11, 2026” following “Date of Notification.” The list of goods in this Certificate of Registration is:

“25 Wearing apparel, namely, caps, hats, visors, knit caps, head bands, t-shirts, tank tops, sweaters, stocking caps, pull overs, and wrist bands.

35 Retail clothing stores, namely, mail order catalog services featuring clothing; telephone shop-at-home services in the field of clothing.”

13. Complainant states that it has used the Mark continuously in association with headwear, apparel and related products since the company's founding in 1991, without specifying whether this use occurred in Canada for that length of time.
14. Complainant states that it uses the DECKY marks in connection with the wholesale manufacture, marketing, distribution, and sale of blank and custom headwear, apparel, promotional products, and related accessories through authorized distributors, dealers, online commerce, and direct business relationships throughout the United States and internationally, including Canada.
15. The Complainant states that it also uses the DECKY marks in connection with its official website, marketing materials, catalogs, advertising, trade show promotions, and other commercial activities associated with the DECKY brand, without specifying whether these activities occurred in Canada.
16. The Registrant, after receiving several requests from the Complainant to transfer the Domain Name to it, replied to the Complainant that it would cease offering merchandise associated with the Mark or DECKY marks on its website located by the Domain Name, but that it was entitled to the Domain Name and therefore refused to transfer the Domain Name to Complainant.

4. CONTENTIONS OF THE PARTIES

- **Complainant**

17. Complainant submits that the Domain Name is confusingly similar to the Mark in which Complainant has rights, that Registrant lacks a legitimate interest in the Domain Name and that the Domain Name was registered in bad faith. Complainant does not address its eligibility under The Canadian Presence Requirements directly. As stated above, it claims that the Certificate of Registration 1,921,801 is a "Canadian Registration."

- **Registrant**

18. Registrant acknowledges "that the Complainant owns trademark rights in the DECKY trademark." He contends that he has a legitimate interest in the Domain Name and denies that he registered it in bad faith.

- **Remedy Sought**

19. The Complainant requests the Domain Name be transferred to it.

5. DISCUSSION AND FINDINGS

5.1 Eligibility

20. The Complainant is **not** an eligible complainant under paragraph 1.4 of the CDRP. Under the Canadian Presence Requirements for Registrants, Version 1.3, (the "CPR") only those individuals

or entities who meet one of the eighteen criteria listed in paragraph 2 are permitted to hold and maintain the registration of a .ca domain name.

21. The relevant criteria in the CPR are number 4, “A corporation under the laws of Canada or any province or territory of Canada” and number 17, “A Person...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....”
22. Complainant does not fulfill criterion number 4 as it is a California corporation. It does not fulfill criterion number 17 because it does not have a registration under the Trademarks Act of Canada (the “Act”). Its registration under the Madrid Protocol designating Canada leads to an *application* under the Act after notification is made of this Madrid registration to the Canadian Intellectual Property Office (CIPO). After a CIPO application number is assigned to this application, this application must undergo the normal examination and advertisement procedure before it issues as a Canadian registration under the Act.

5.2 Requirements

In accordance with Paragraph 4.1 of the CDRP, the onus is on the Complainant to prove that:

- (a) the Domain Name is Confusingly Similar to a trademark or service mark 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 registered the Domain Name in bad faith.

and the Complainant must provide some evidence that:

- (c) the Registrant has no legitimate interest in the Domain Name.

5.3 Analysis

23. As Complainant does not fulfill the CPR, the Panel adopts the guideline of deciding only what is necessary, analogous to the principle of judicial restraint employed by courts and tribunals.
24. Accordingly, the Panel does not need to analyze whether the Complainant has met its onus to prove the three requirements, and the Panel chooses not to do so.

6. DECISION and ORDER

25. For the above reasons, in accordance with Paragraph 4 of the CDRP, Paragraph 12 of the Resolution Rules, the Panel denies the request of the Complainant and holds that the Domain Name remains with the Registrant.

Made as of August 31, 2026

SIGNATURE OF PANEL

“Richard Levy” (Chair)

“Zak Muscovitch”

“James Plotkin”

