

## **ADMINISTRATIVE PANEL DECISION**

Red Bull GmbH v. Redbull forex, redbulforex  
Case No. DIO2023-0027

### **1. The Parties**

The Complainant is Red Bull GmbH, Austria, represented by TALIENS Partnerschaft von Rechtsanwälten mbB, Germany.

The Respondent is Redbull forex, redbulforex, India.

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

The disputed domain name <redbul.io> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 28, 2023. On July 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 1, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Domains By Proxy, LLC), and contact information in the Complaint. The Center sent an email communication to the Complainant on August 2, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on August 3, 2023.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 29, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 30, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on August 31, 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 Rules, paragraph 7.

#### 4. Factual Background

The Complainant is based in Austria and is the producer of the very well-known energy drink RED BULL. The classic RED BULL drink was first sold in Austria in 1987, and internationally from 1992. It achieved worldwide sales of 11.6 billion units in 2022 and is sold in 174 countries all over the world. In addition, the Complainant recently entered the world of non-fungible tokens (NFTs) offering several NFTs for sale on the <sweet.io> platform.

The Complainant is the proprietor of numerous registered trademarks comprising RED BULL, including International trademark number 641378C RED BULL registered on February 24, 1995, and International trademark number 1228359 Red Bull logo, illustrated below, registered on February 27, 2014, designating a number of jurisdictions, including India, where the Respondent is reportedly located.



The Domain Name was registered on August 9, 2021. It currently resolves to a parking page of the Registrar. At the time of preparation of the Complaint, it resolved to a website comprising what appears to be a platform for dealing in “Redbul” cryptocurrency. The home page features the following logo:



The Contact Us details include “00216 21 184 010 London, England”. The “216” telephone country code is for Tunisia.

#### 5. Parties’ Contentions

##### A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its RED BULL trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered or is using the Domain Name in bad faith within the meaning of the Policy.

##### B. Respondent

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

#### 6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered or is being used in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of the substantial goodwill and reputation acquired through its widespread use of the Mark over a number of years. Ignoring the country-code Top-Level Domain “.io”, the Domain Name is identical to the Mark, save for the omission of the last letter “l” of the Mark. In the Panel’s view, this slight misspelling does not prevent a finding of confusing similarity between the Domain Name and the Mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent is not authorized by the Complainant to use the Domain Name. The Respondent has not used the Domain Name in connection with a *bona fide* offering of goods or services, but rather has used it for a website featuring the slight misspelling of the word “Bull” and a logo comprising one red bull, alluding to the Complainant’s Red Bull Logo, soliciting users to purchase and sell cryptocurrency. The contact details on the website are inconsistent. The Panel considers it likely that the Respondent registered the Domain Name with a view to confusing Internet users into believing that the Respondent’s Website was operated by or authorised by the Complainant. Such activity does not give rise to rights or legitimate interests.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

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

While the bull is an animal associated with the financial markets, particularly with a bullish trend, the red color is not usually connected to positive results in the financial markets, and the Panel notes that the Respondent did not provide any relevant explanation as to its selection. In light of the use of a logo similar to the Complainant’s Red Bull logo, the use of a slight misspelling of the Complainant’s name and Mark, as well as the undoubted notoriety of the Mark and the Complainant’s recent activity in the field of NFTs, the Panel considers it most likely that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. Noting the reputation of the Mark, the Panel considers that the Respondent knew or should have known that the Domain Name would be confusingly similar to the Mark. In the Panel’s view the Respondent has registered and used the Domain Name to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the Mark, no doubt for commercial gain. The Panel considers that this amounts to paradigm bad faith both registration and use.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name, <redbul.io>, be transferred to the Complainant.

/Ian Lowe/

**Ian Lowe**

Sole Panelist

Date: September 14, 2023