

ADMINISTRATIVE PANEL DECISION

Monster Energy Company v. Shared Inc, James Walker
Case No. D2025-1580

1. The Parties

The Complainant is Monster Energy Company, United States of America, represented by Knobbe, Martens, Olson & Bear, LLP, United States of America.

The Respondent is Shared Inc, James Walker, Canada.

2. The Domain Name and Registrar

The disputed domain name <monsterenergy.bio> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 18, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 22, 2025, the Registrar 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 25, 2025, 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 amended Complaint on April 29, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform 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 April 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 21, 2025.

The Center appointed Torsten Bettinger as the sole panelist in this matter on May 23, 2025. 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 in the business of designing, creating, developing, marketing, and selling beverages. It has used MONSTER ENERGY brand in relation to a range of energy drinks since 2002 in the United States, and since 2003 internationally.

The Complainant's MONSTER ENERGY brand is the best-selling energy drink brand in the U.S. by unit volume and dollar value and continues to be the fastest-growing major brand of energy drinks in the US and worldwide. Worldwide adjusted gross sales for all brands for the year ended December 31, 2024 totaled to USD 8,59 billion.

The Complainant has widely advertised, marketed, and promoted the MONSTER ENERGY brand through point of sale and promotional materials, promotional apparel, on social media, in magazines, on websites, in publications, the through the sponsorship of high-profile events including in the music and sporting fields.

The Complainant owns the domain name <monsterenergy.com>, at which it launched its website on August 19, 2003. That website prominently displays the MONSTER ENERGY mark and receives thousands of unique visitors each month.

The Complainant owns registered trademark rights in MONSTER ENERGY in countries around the world, pre-dating the Respondent's registration of the disputed domain name by many years. These include, among many others:

- United States Trademark Registration No. 3,057,061 for MONSTER ENERGY in Class 32, filed on April 18, 2002 and registered on February 7, 2006;
- United States Trademark Registration No. 3,044,315 for MONSTER ENERGY in Class 5, filed on May 23, 2003 and registered on January 17, 2006; and
- United States Trademark Registration No. 4,036,681 for MONSTER ENERGY in Class 32, filed on September 11, 2007 and registered on October 11, 2011.

The Respondent registered the disputed domain name on April 10, 2025. The disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

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

With regard to the requirement of "identity or confusing similarity between the trademark and the domain name" pursuant to paragraph 4(a)(i) of the Policy, the Complainant submits that

- the disputed domain name is identical to its MONSTER ENERGY trademarks as the disputed domain name incorporates the Complainant's MONSTER ENERGY mark in its entirety;
- the Top-Level Domain suffix ".bio." has no distinguishing feature.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submits that

- the Complainant has not authorized, licensed, or permitted the Respondent to use the MONSTER ENERGY mark in connection with the disputed domain name or otherwise, and there is no evidence that the Respondent has been or was commonly known by the disputed domain name;
- the Respondent is not and has never been an agent of the Complainant, nor is there any contractual relationship between them;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that,

- the Complainant's MONSTER ENERGY mark had become well-known in the United States and internationally long before the registration of the disputed domain name;
- given the Complainant's extensive reputation and its numerous trademark registrations for MONSTER ENERGY, is not possible to conceive of a plausible situation in which the Respondent would not have been aware of the Complainant and its MONSTER ENERGY brand;
- the Respondent's passive holding of the disputed domain name constitutes bad faith use of the disputed domain name under the TELSTRA passive holding doctrine (see e.g. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#);
- the Respondent registered and is holding the disputed domain name primarily for the purpose of disrupting the Complainant's business and/or for the purpose of intentionally attempting to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy states that the Complainant must prove each of the three following elements:

- (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 and 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant has established rights in the MONSTER ENERGY trademark through multiple trademark registrations in countries around the world.

The disputed domain name incorporates the Complainant's mark MONSTER ENERGY in its entirety.

Furthermore, the addition of the gTLD ".bio" is a standard registration requirement and is typically disregarded when assessing confusing similarity under the first element.

Accordingly, the Panel finds that the disputed domain name is identical to the Complainant's MONSTER ENERGY trademark within the meaning of paragraph 4(a)(i) of the Policy and that therefore the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the 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 UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the material in the Complaint and its annexes, the Panel finds that the Complainant has established prior and extensive rights in the MONSTER ENERGY mark. The Complainant has stated that it has not licensed or authorized the Respondent to use that mark in any capacity, including in connection with the disputed domain name.

There is also no indication that the Respondent is making any commercial or noncommercial use of the disputed domain name, which does not resolve to an active website.

Although given the opportunity, the Respondent has failed to invoke any circumstances which could demonstrate, pursuant to paragraph 4(c) of the Policy or otherwise, any rights or legitimate interests in respect of the disputed domain name.

Thus, there is no evidence in the case that refutes the Complainant's submissions, and the Panel finds that the Complainant has also proven the requirement under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Complainant provided evidence of multiple trademark registrations for the MONSTER ENERGY mark that predate the registration of the disputed domain name.

The disputed domain name incorporates the Complainant's mark MONSTER ENERGY. The Complainant's trademark MONSTER ENERGY is distinctive and has been extensively used for many years.

The Panel therefore finds that the Respondent had actual knowledge of the Complainant's trademark rights when registering the disputed domain name and therefore registered the disputed domain name in bad faith.

The fact that there is no evidence that the disputed domain name has not yet been actively used does not prevent a finding of bad faith use. As it has been established "the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith". (See [WIPO Overview 3.0](#), section 3.1.4 and *Carrefour SA v. Domain Administrator, See PrivacyGuardian.org / Zhiqiang Chen*, WIPO Case No. [D2022-1851](#)) and that the passive

holding of a domain name, in certain circumstances, can constitute bad faith use under the Policy. (See, e.g., *Teachers Insurance and Annuity Association of America v. Wrecks Communications Group*, WIPO Case No. [D2006-0483](#); *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), (“Telstra”); see also [WIPO Overview 3.0](#), section 3.3.)

While panels will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include:

- (i) the degree of distinctiveness or reputation of the complainant’s mark;
- (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; and
- (iii) the implausibility of any good faith use to which the domain name may be put.

The circumstances of the present case are sufficiently similar to those present in the Telstra case to establish bad faith passive holding of the disputed domain name.

As noted above, based on the record in this proceeding, the Panel is satisfied that the Complainant’s MONSTER ENERGY mark is well-known in many countries.

Furthermore, the Respondent has not replied to the Complaint nor provided any evidence of actual or contemplated good faith use of the disputed domain name.

The Panel therefore finds that the circumstances, as described above, show that the Respondent registration and passive holding of the disputed domain name equals a bad faith registration and use of the disputed domain name and therefore the Complainant has also established the third element of the Policy

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 disputed domain name <monsterenergy.bio> be transferred to the Complainant.

/Torsten Bettinger/

Torsten Bettinger

Sole Panelist

Date: June 4, 2025