

## ADMINISTRATIVE PANEL DECISION

Supplying Demand, Inc dba Liquid Death v. d's'da's'da's'd dasd  
Case No. D2025-2587

### 1. The Parties

The Complainant is Supplying Demand, Inc dba Liquid Death, United States of America ("USA"), represented by Demys Limited, United Kingdom.

The Respondent is d's'da's'da's'd dasd, Armenia.

### 2. The Domain Name and Registrar

The disputed domain name <liquiddeathe.shop> (the "Disputed Domain Name") is registered with Spaceship, Inc. (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 2, 2025. On July 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 3, 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 (Redacted for Privacy Purposes Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 7, 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 July 8, 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 July 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 31, 2025.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on August 5, 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 a beverage company headquartered in Los Angeles, USA. The Complainant manufactures and sells a variety of non-alcoholic canned beverages, including sparkling water and iced tea, as well as related merchandise such as clothing. In 2024, the Complainant was valued at 1.4 billion USD. In 2023, the Complainant reported a revenue of 262 million USD.

The Complainant is the owner of several LIQUID DEATH trademarks, including:

- LIQUID DEATH, USA word mark registered under No. 5971065 on January 28, 2020, in class 25;
- LIQUID DEATH, International word mark registered under No. 1581896 on February 3, 2021, in classes 25 and 32.

The Complainant operates the domain name <liquiddeath.com> resolving to its official website.

The Disputed Domain Name was registered on February 23, 2025. The Disputed Domain Name resolves to a website mentioning the Complainant's mark and appearing to offer merchandise similar to the Complainant's products.

#### **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.

Notably, the Complainant contends that the Disputed Domain Name is a typographical variant of its LIQUID DEATH mark and is therefore confusingly similar to a trademark in which it claims to have rights.

Second, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as, according to the Complainant:

- the Respondent is not commonly known as "Liquid Death" or "Liquid Death E", is not a licensee of the Complainant and has not received any permission or consent from the Complainant to use its LIQUID DEATH mark;
- there is no evidence that the Respondent holds any trademarks for the Disputed Domain Name, or has ever traded legitimately under the name "Liquid Death" or "Liquid Death E";
- the Respondent is not making legitimate noncommercial or fair use of the Disputed Domain Name, as
  - the Disputed Domain Name falsely implies an affiliation between the Respondent and the Complainant, and
  - the Respondent cannot claim to make any fair use as a reseller, distributor, or service provider of the Complainant's products;

- the Disputed Domain Name is not used in connection with a bona fide offering of goods or services but rather to deceive Internet users into believing that the website is operated by or associated with the Complainant.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. According to the Complainant:

- given the nature of the Disputed Domain Name and by offering for sale merchandise under the Complainant's mark and logo, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's LIQUID DEATH mark as to the source, sponsorship, affiliation, or endorsement of its website;
- it is inconceivable that the Respondent did not have the Complainant firmly in mind when it registered the Disputed Domain Name;
- the intentional misspelling of its well-known mark and name within the Disputed Domain Name reinforces the bad faith intentions of the Respondent;
- the provision of fake contact details by the Respondent underlying a privacy service is a further indication of bad faith registration and use of the Disputed Domain Name.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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.

Based on the available record, the Panel finds 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 Panel observes that the entirety of the LIQUID DEATH mark is reproduced within the Disputed Domain Name. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the addition of a single letter "e" does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is well established that generic Top-Level-Domains ("gTLDs"), here ".shop", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. [WIPO Overview 3.0](#), section 1.11.

Based on the available record, the Panel finds 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 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 Policy or otherwise.

The Panel notes that the Respondent has not apparently been commonly known by the Disputed Domain Name. According to the information provided by the Registrar and the Response, the Respondent is “d’sda’sda’sd dasd”. The Respondent’s use and registration of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant’s mark is often central to this inquiry. In this case, the Panel finds that the Disputed Domain Name can be considered as almost identical to the Complainant’s LIQUID DEATH trademark as it incorporates the Complainant’s LIQUID DEATH trademark in its entirety with the addition of a single letter at the end. The Panel finds that this can be considered as a subtle misspelling, and there is a risk that Internet users will not notice the difference between such misspelling and the Complainant’s mark. See *Banque et Caisse d’Epargne de l’Etat, Luxembourg, v. Domain Admin, Whoisprotection.cc / hans larsson*, WIPO Case No. [D2022-1505](#). According to the Panel, noting also the use of the Disputed Domain Name discussed below, the composition of the Disputed Domain Name affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the Disputed Domain Name and the Complainant as to the origin or affiliation of the website at the Disputed Domain Name.

Beyond looking at the domain name and the nature of any additional terms appended to it, UDRP panels assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

The Panel observes that the Disputed Domain Name resolves to a website appearing to offer merchandise identical or at least similar to the Complainant’s products. In addition, this website:

- uses photographs and other graphical illustrations directly copied from the Complainant’s official website;
- uses the Complainant’s logotype of a skull as its website address bar icon (favicon);
- prominently displays the Complainant’s LIQUID DEATH mark throughout the website.

In the Panel's view, this neither amounts to a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the Disputed Domain Name. UDRP panels have categorically held that the use of a domain name for illegal activity (e.g. impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent had the opportunity to demonstrate its rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the *prima facie* case established by the Complainant has not been rebutted.

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

### **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.

As mentioned above, the Disputed Domain Name resolves to a website appearing to offer merchandise identical or at least similar to the Complainant's products. The website also uses logos and pictures copied from the Complainant's official website. In the Panel's view, the circumstances of this case clearly indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark. [WIPO Overview 3.0](#), section 3.2.4.

Moreover, the Complainant shows that the Respondent has been found to register and use other domain names in bad faith. See *Oats Overnight, Inc. v. xiao qi, Cynthia Parker and d's'da's'da's'd dasd*, WIPO Case No. [D2025-1533](#). The Panel finds that this indicates a pattern of trademark-abusive domain name registrations. [WIPO Overview 3.0](#), section 3.1.2.

Other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that the Respondent must have been aware of the Complainant and its trademark rights when it registered the Disputed Domain Name as:

- the Disputed Domain Name incorporates the Complainant's distinctive trademark in its entirety with the addition of a single letter;
- the Disputed Domain Name was registered more than 5 years after the Complainant attained registered rights in the LIQUID DEATH mark;
- the Complainant provided substantive evidence of the reputation of its mark in the relevant sector; and
- the website linked to the Disputed Domain Name provides additional evidence of the Respondent's knowledge of the Complainant and its mark.

The Panel also observes that the Respondent provided false contact information (name and address) underlying the privacy service, which it considers to be an additional indication of bad faith. [WIPO Overview 3.0](#), section 3.6.

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this serves as an additional indication of the Respondent's bad faith in the circumstances of this case.

Based on the available record, the Panel finds that the Complainant has 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 <liquiddeathe.shop> be transferred to the Complainant.

*/Flip Jan Claude Petillion/*

**Flip Jan Claude Petillion**

Sole Panelist

Date: August 15, 2025