

ADMINISTRATIVE PANEL DECISION

Exide International Holding Netherlands B.V. v. 王体亮 (Wang Ti Liang)
Case No. D2025-2795

1. The Parties

The Complainant is Exide International Holding Netherlands B.V., Netherlands (Kingdom of the), represented by Riebling IP, PLLC, United States of America.

The Respondent is 王体亮 (Wang Ti Liang), China.

2. The Domain Name and Registrar

The disputed domain name <exideups.com> is registered with DNSPod, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 15, 2025. On July 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 in English on the same day.

On July 17, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On the same day, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceeding commenced on July 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 18, 2025.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on August 22, 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

A. The Complainant

The Complainant is a leading manufacturer of batteries and related goods, promoted and sold worldwide under the trade mark EXIDE (the "Trade Mark") since 1900.

The Complainant is the owner of numerous registrations in jurisdictions worldwide for the Trade Mark, including European Union registration No. 3363918, with a registration date of May 11, 2005.

The Complainant also has rights in the registered trade mark SONNENSCHNEIN (the "SONNENSCHNEIN Trade Mark"). According to the Complainant's official website at "www.exidegroup.com", the Complainant also sells batteries under the SONNENSCHNEIN Trade Mark.¹

B. Respondent

The Respondent is reportedly an individual located in China.

C. The Disputed Domain Name

The disputed domain name was registered on April 6, 2025.

D. Use of the Disputed Domain Name

The disputed domain name is resolved to a mainly Chinese language website, featuring the Trade Mark together with the SONNENSCHNEIN Trade Mark and the Chinese characters 埃克塞德 (which is phonetically a transliteration of the Trade Mark), and purportedly offering for sale batteries under the SONNENSCHNEIN Trade Mark (the "Website").

The Website contains the following banner "欢迎访问德国阳光蓄电池|阳光蓄电池(中国)有限公司官方网站! Welcome to the official website of Sunshine Battery (China) Co., Ltd. in Germany!"; and the following Chinese language footer: "Copyright © 2025 德国阳光蓄电池|阳光蓄电池(中国)有限公司官方网站控股" (English translation: Copyright © 2025 German Sunshine Battery (China) Co., Ltd, Official Website Holdings).

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8.

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 Respondent has used the disputed domain name unlawfully in respect of the Website, to impersonate the Complainant – including by using the Trade Mark on the Website without the authorisation or approval of the Complainant – and to promote and sell batteries using images of the Complainant's batteries.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Website features the English language text "EXIDE Batteries".

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.0](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, the letters “ups”) may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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.

Panels have held that the use of a domain name for illegal activity (here, claimed as applicable to this case: 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.

Moreover, the Complainant states that the letters “ups” added after the Trade Mark in the disputed domain name is the abbreviation for “uninterruptible power supplies” - one of the products manufactured by the Complainant. The Panel therefore finds that the nature of the disputed domain name may mislead Internet users into believing that the disputed domain name is associated with or sponsored by the Complainant, contrary to the fact.

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.

In the present case, the Panel finds that the Respondent has used the disputed domain name to attract Internet users to the Website, in order to mislead Internet users into thinking that the Website is operated by or with the approval of the Complainant - by displaying the Trade Mark and the SONNENSCHHEIN Trade Mark, and using the Complainant’s product images, in order to promote batteries for its own benefit.

Panels have held that the use of a domain name for illegal activity (here, claimed as applicable to this case: impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <exideups.com> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: September 2, 2025