

ADMINISTRATIVE PANEL DECISION

Monster Energy Company v. Marvin Mustafovski
Case No. D2025-2966

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 Marvin Mustafovski, Germany.

2. The Domain Name and Registrar

The disputed domain name <unleashthebeast.net> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 30, 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 31, 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 amendment to the Complaint on August 4, 2025.

The Center verified that the Complaint together with the amendment to the 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 August 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2025. The Respondent sent an email communication to the Center on August 5, 2025. Pursuant to paragraph 6 of the Rules, on August 8, 2025, the Center informed the Parties that it would proceed with the panel appointment process.

The Center appointed John Swinson as the sole panelist in this matter on August 19, 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.

The Panel issued a Procedural Order, discussed below, on September 10, 2025. The Respondent made submissions that responded to the Procedural Order on September 16, 2025. The Complainant made submissions that responded to the Procedural Order on September 23, 2025.

4. Factual Background

The Complainant is a Delaware company that develops, markets and sells beverages.

The Complainant owns a portfolio of trademark registrations for UNLEASH THE BEAST! including European Union Registration Number 005093174 that was filed on May 24, 2006, and registered on March 19, 2007.

The Complainant also owns trademark registrations for related marks, such as UNLEASH THE BEAST WITHIN!, THE BEAST UNLEASHED, and THE BEAST.

The Complainant has used the UNLEASH THE BEAST! trademark in commerce since at least as early as 2002.

The Complainant sells or has sold its MONSTER ENERGY drinks bearing the UNLEASH THE BEAST! trademarks to consumers throughout the United States and many other countries, including Germany.

By unit volume and dollar value, the Complainant's MONSTER ENERGY drinks bearing the UNLEASH THE BEAST! trademark are generally the best-selling energy drinks in the United States and the second best-selling worldwide.

The Respondent is a resident of Germany.

The disputed domain name was registered on June 3, 2025.

At the present time, the disputed domain name resolves to a registrar-generated page that states: "Looks like this domain isn't connected to a website yet."

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.

In summary, the Complainant makes the following submissions:

The disputed domain name incorporates the Complainant's UNLEASH THE BEAST! trademark almost in its entirety, missing only the exclamation mark "!".

Several prior panels have recognized the Complainant's strong rights in its UNLEASH THE BEAST! trademarks.

The disputed domain name suggests that the website is operated by the Complainant to promote the Complainant's UNLEASH THE BEAST! products and it is highly likely that the average customer will associate the disputed domain name as the source of products and/or services of the Complainant or that the Complainant has sponsored or approved of the disputed domain name, when it has not.

The Complainant has not authorized, licensed, or permitted the Respondent, nor any person or entity, to use the UNLEASH THE BEAST! trademark in connection with registering a .NET domain name. There is thus no evidence that the Respondent has been or was commonly known by the disputed domain name.

It is highly likely that the Respondent registered the disputed domain name in bad faith. The Complainant's UNLEASH THE BEAST! trademark became well-known in the United States and internationally well before the registration date of the disputed domain name.

The Complainant's U.S. trademark registrations for its UNLEASH THE BEAST! marks first issued in 2003, 22 years before the Respondent registered the disputed domain name in 2025.

The Respondent's passive holding of the disputed domain name, which is functionally identical to Complainant's UNLEASH THE BEAST! trademark, is evidence of bad faith registration and use under Policy.

Marks that have a high degree of inherent or acquired distinctiveness are entitled to a greater scope of protection than others.

The Respondent was most likely aware of the Complainant's rights in its UNLEASH THE BEAST! trademark.

B. Respondent

The Respondent filed an informal submission that, in summary, makes the following submissions.

The Respondent registered the disputed domain name with the intention of building a personal fitness website. The Respondent states that he was not aware of any trademarks or legal claims associated with the phrase "Unleash the Beast" at the time of registration of the disputed domain name. The Respondent also states: "My purpose was and remains to use it for a legitimate fitness-related website project, inspired by the motivational phrase itself – which is commonly used in sports and fitness contexts."

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

The onus of proving these elements is on the Complainant.

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 disputed domain name does not include the ! symbol that is part of the Complainant's registered trademark.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 Procedural Order issued by the Panel gave the Respondent the opportunity to supplement his Response by providing "actual and dated evidence of its business registration or prior use of, or demonstrable preparations to use the words 'Unleash the Beast', focusing on the time period prior to receipt of the Complainant by the Respondent". The only relevance dated evidence provided was evidence of the registration of the disputed domain name.

The Respondent claims that he registered the disputed domain name for the purpose of a fitness-related project. The Respondent provided undated screenshots showing a draft of a single webpage in a Wix account showing a man with muscles and the words "Beastmode Activated!" and "Unleash The Beast". The Respondent says, "The website was never published, as this was a hobby project that I worked on in my free time".

An asserting party needs to establish that it is, more likely than not, that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially undermine a panel's ability to render a decision under the requirements of the Policy as both complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#).

If not independently verifiable by the panel, claimed examples of use or demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services cannot be merely self-serving but should be inherently credible and supported by relevant pre-complaint evidence.

See [WIPO Overview 3.0](#), section 2.2.

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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark (usually) owned by the complainant.

The Complainant provided evidence of its use and reputation of its UNLEASH THE BEAST! trademark in the United States and on a worldwide basis. The Complainant provided little evidence of the use and reputation of this mark in Germany where the Respondent is located. However, based upon the substantial use of the mark on a global basis, including in relation to sporting sponsorships in Europe, which have an obvious relation to the field of fitness (which is the Respondent's claimed proposed use for the disputed domain name), the Panel can conclude that consumers could assume a relationship between the disputed domain name's proposed use in connection with fitness services and Complainant's UNLEASH THE BEAST! mark.

The Respondent has not used the disputed domain name. The Complainant relies upon the doctrine of passive holding, which is set out in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), and other cases. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

The Complainant states that the Respondent is not making active use of the disputed domain name, which the Complainant claims is evidence of bad faith intentions. The Panel disagrees with the Complainant in respect of this argument. One of the factors of the passive holding doctrine is the implausibility of a noninfringing use; here insofar as the relevant mark is also a phrase capable of different non-trademark uses, that is self-evidently not a factor that works out in the Complainant's favour, and for that reason the Panel issue the above-mentioned Procedural Order to seek evidence from the parties. While the Respondent claims a planned use of the term comprising the disputed domain name as a common phrase, the (undated) evidence presented does adequately not support this (and here the Panel would note that even if the proposed page were to be published, the Panel does not consider that would be sufficient nor compelling evidence of the claimed proposed use).

Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name, and the lack of detail or evidence of the Respondent's intended use of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <unleashthebeast.net> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: September 25, 2025