

ADMINISTRATIVE PANEL DECISION

Monster Energy Company v. Tayler Deryn
Case No. D2025-3501

1. The Parties

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

The Respondent is Tayler Deryn, United States.

2. The Domain Name and Registrar

The disputed domain name <monsterenergy.ink> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 28, 2025. On August 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 1, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 September 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 September 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 26, 2025.

The Center appointed Gary Saposnik as the sole panelist in this matter on October 8, 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. The Complainant has used its MONSTER ENERGY trademarks in commerce since at least as early as 2002. In addition to beverages, the Complainant uses its MONSTER ENERGY mark in the United States and internationally in connection with temporary tattoos, clothing, beverageware, automotive products, sports and fitness equipment, and other products and services. As of 2025, the Complainant's worldwide retail sales now exceed 7.7 billion cans per year with estimated retail sales exceeding USD 16 billion per year.

The Complainant sells or has sold its MONSTER ENERGY drinks to consumers throughout the United States and in more than 100 other countries. The Complainant has widely advertised, marketed, and promoted MONSTER ENERGY and other MONSTER-containing marks, including through the sponsorship of athletes, athletic endeavors, athletic teams, and athletic competitions in the United States and around the world, as well as events which are webcast on the Internet.

The Complainant owns numerous trademark registrations around the world for its MONSTER ENERGY marks and many other MONSTER-containing marks, including the following registrations:

- MONSTER ENERGY, United States Patent and Trademark Office (USPTO) Registration No. 3044315, registered January 17, 2006, in class 5, including for nutritional supplements in liquid form;
- MONSTER ENERGY, USPTO Registration No. 5661940, registered January 22, 2019, in class 16, including for stickers, sticker kits comprising stickers and decals, decals; temporary tattoo transfers;
- MONSTER ENERGY, USPTO Registration No. 3057061, registered February 7, 2006, in class 32, including for fruit juice drinks, and carbonated soft drinks.

The Complainant and its MONSTER ENERGY marks have a presence on social media, including a Facebook page with more than 25 million "likes", an X (formerly known as "Twitter") account with more than 2.9 million followers, an Instagram page with more than 9.5 million followers, and a TikTok profile with more than 4 million followers. The MONSTER ENERGY mark has been featured in numerous internationally circulated magazines, as well as having received extensive press coverage since the launch of MONSTER ENERGY drinks in 2002.

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

The disputed domain name was registered by the Respondent on August 7, 2025, and resolves to an inactive webpage.

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 identical and confusingly similar to the Complainant's MONSTER ENERGY Marks. The disputed domain name incorporates the Complainant's MONSTER ENERGY mark in its entirety, followed by the generic Top-Level Domain ("gTLD") suffix ".ink".

The “.ink” suffix adds no distinguishing feature to the disputed domain name, and accordingly, the disputed domain name is identical or confusingly similar to the Complainant’s MONSTER ENERGY marks.

The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not been commonly known by the disputed domain name, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name. The Respondent is not an agent of the Complainant, and the Complainant has not licensed or otherwise authorized any person or entity to apply for the disputed domain name.

The Complainant further avers that the Respondent registered and is using the disputed domain name in bad faith. The Complainant’s MONSTER ENERGY mark had become well-known in the United States and internationally well before the registration date of the disputed domain name, and many years after the Complainant’s United States trademark registrations for MONSTER ENERGY, first issued in 2006. Given the Complainant’s numerous trademark registrations for, and the Complainant’s extensive international reputation in the MONSTER ENERGY mark, it is “not possible to conceive of a plausible situation in which the Respondent would have been unaware” of the Complainant and the Complainant’s MONSTER ENERGY trademarks. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), see also *Monster Energy Company v. Cai Manyi Manyicai*, WIPO Case No. [D2016-0301](#).

The disputed domain name incorporating the Complainant’s mark suggests that the website at that domain name is operated by the Complainant to promote the Complainant’s MONSTER ENERGY products. It is highly likely that Internet users will associate the disputed domain name with the Complainant or mistakenly believe that the Complainant has sponsored or approved of the disputed domain name, when it has not.

The Respondent’s addition of the gTLD “.ink” to the Complainant’s MONSTER ENERGY mark conveys to customers an impression that the disputed domain name is a page specifically related to the Complainant’s beverages, temporary tattoos, and other goods. The Registrar for the disputed domain name notes that “[a]s a top-level domain, .ink provides a unique, identifiable, digital hub for the artistic, ritualistic and cultural medium of tattooing.” The Complainant argues that the selection of a gTLD that, when appended to a second level domain name, is either suggestive of or descriptive of the commercial enterprise in which the trademark holder is engaged, is further evidence of bad faith. See *Medtronic, Inc. v. Rafael Vargas*, WIPO Case No. [D2019-0203](#). Thus, the Respondent’s use of this gTLD diverts business away from the Complainant and deliberately confuses Internet users into mistakenly believing that the disputed domain name is associated with the Complainant.

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.

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 finds the entirety of the mark MONSTER ENERGY is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the gTLD “.ink” is a standard registration requirement and is typically disregarded when assessing confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.11.1. However, in cases where the TLD corresponds to the complainant’s area of trade so as to signal an abusive intent to confuse Internet users, panels have found this relevant to assessment under the third element. [WIPO Overview 3.0](#), section 1.11.2.

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 finds that the Respondent is not commonly known by the disputed domain name. The Respondent has not shown a legitimate noncommercial or fair use of the disputed domain name. The Complainant has stated that the Respondent is not an agent of the Complainant. Additionally, the Complainant has not licensed or otherwise authorized the Respondent to apply for the disputed domain name. The Respondent has failed to respond to the Complaint and come forward with any rights or legitimate interests in respect of the disputed domain name.

Accordingly, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but 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 notes that the Respondent registered the disputed domain name many years after the Complainant obtained trademark registrations in its MONSTER ENERGY marks. Many prior Panels have found, and based on the evidence presented, this Panel finds that the Complainant’s MONSTER ENERGY trademark is distinctive and well-known. It is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant’s well-known trademark. See *Monster Energy Company v. Maria Malakhova*, WIPO Case No. [D2025-2602](#); *Monster Energy Company v. Shared Inc., James Walker*, WIPO Case No. [D2025-1580](#).

The Respondent's choice of the disputed domain name, which completely incorporates the Complainant's well-known MONSTER ENERGY marks, makes clear that the Respondent knew of and targeted the Complainant. The disputed domain name incorporating the Complainant's mark suggests that the website at that domain name is operated by the Complainant to promote the Complainant's MONSTER ENERGY products. It is highly likely that Internet users will associate the disputed domain name with the Complainant or mistakenly believe that the Complainant has sponsored or approved of the disputed domain name, when it has not. The Respondent also chose to register the disputed domain name under the ".ink" TLD, which is often associated with tattoos, which corresponds to the Complainant's MONSTER ENERGY trademark registration that includes "temporary tattoos". The Panel finds that the Respondent's choice of TLD increases the already substantial likelihood of confusion for Internet users and is further evidence of bad faith. See *Monster Energy Company v. kamsi izuogu*, WIPO Case No. [D2024-0831](#); *Medtronic, Inc. v. Rafael Vargas*, WIPO Case No. [D2019-0203](#).

Furthermore, Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name, and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use. This Panel 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.

Based on the record presented, 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 <monsterenergy.ink> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: October 22, 2025