

ADMINISTRATIVE PANEL DECISION

Monster Energy Company v. 杨智 (Yang zhi)
Case No. D2025-3525

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 杨智 (Yang zhi), China.

2. The Domain Name and Registrar

The disputed domain name <monsterenergy.asia> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 29, 2025. On September 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 2, 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 September 2, 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 in English on September 4, 2025.

On September 2, 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 September 4, 2025, the Complainant confirmed its request that English 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 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 in Chinese and English of the Complaint, and the proceedings commenced on September 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 30, 2025.

The Center appointed Leo (Yi) Liu as the sole panelist in this matter on October 3, 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 in the United States.

In early 2002, the Complainant introduced its MONSTER ENERGY line of beverages in the United States. In 2012, the Complainant changed its name to Monster Energy Company. The Complainant sells or has sold its MONSTER ENERGY drinks to consumers throughout the United States and in more than 100 other countries. As of 2025, worldwide retail sales now exceed 7.7 billion cans per year with estimated retail sales exceeding USD 16 billion per year. The Complainant owns the domain name <monsterenergy.com>, at which it launched its website in 2003 to promote its business.

The Complainant is the owner of a large number of trademarks for MONSTER ENERGY in numerous jurisdictions, including;

- United States Registration No. 7811764 for MONSTER ENERGY in Class 41, registered on May 27, 2025;
- United States Registration No. 6789708 for MONSTER ENERGY in Class 12, registered on July 12, 2022;
- China Registration No. 53624467 for MONSTER ENERGY in Class 32, registered on November 14, 2021;
- European Union Trade Mark No. 018348565 for MONSTER ENERGY in Classes 18 and 30, registered on May 6, 2021.

The disputed domain name was registered on August 2, 2025 by an individual 杨智 (Yang zhi). The disputed domain name resolves to a parking page with pay-per-click links and with a message on the top of the page "The domain monsterenergy.asia may be for sale by its owner".

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 to its well-known trademark MONSTER ENERGY;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 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 proceedings 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:

- proceeding in Chinese would require the Complainant to retain specialized translation services, and the time and costs required for translation of the Complaint would unfairly burden the Complainant;
- the disputed domain name is composed of English words;
- the trademark being incorporated in the disputed domain name is in English as well.

The Respondent did not make any 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

The Panel notes that the Center notified the Parties in Chinese and English of the language of the proceeding and also notified the Respondent in Chinese and English of the commencement of the proceeding. The Respondent did not comment on the language of the proceeding or file a Response in either Chinese or English.

The Panel is also mindful of the need to ensure that the proceeding is conducted in a timely and cost-effective manner. The Complainant would be unduly disadvantaged by having to translate the Complaint into Chinese and to conduct the proceeding in Chinese.

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.

6.2 Substantive Issues

To obtain the relief it has requested, the Complainant must prove the presence of each of the three elements of the Policy: 1) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; 2) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and 3) 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 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 incorporates the entirety of the mark MONSTER ENERGY. Accordingly, the disputed domain name is identical 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.

As noted above, the disputed domain name resolves to a parking page with pay-per-click links and indicates the disputed domain name may be for sale. The Respondent has not come forward with any evidence that it has engaged in any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy. The Respondent's name does not correspond to the disputed domain name, and there is no evidence to support a finding that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. Nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name pursuant to paragraph 4(c)(iii) of the Policy.

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 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, based on the evidence presented by the Complainant, the Panel notes that the disputed domain name was registered several years after the registration of the Complainant's series of well-known

trademarks and currently resolves to a parking page with pay-per-click links, some of which relate to energy drinks. Such use of the disputed domain name – which is identical to the Complainant's mark – indicates, on the balance of probabilities and noting the lack of any response, that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line locations, by creating a likelihood of confusion with the Complainant's mark, which falls under the circumstances of bad faith under paragraph 4(b)(iv) of the Policy. Moreover, the composition of the disputed domain name, being identical to the Complainant's distinctive trademark, supports the Panel's finding that the Respondent has intended to capitalize on the reputation and goodwill inherent in the Complainant's trademark. In addition, the website at the disputed domain name indicates that the disputed domain name may be for sale.

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.asia> be transferred to the Complainant.

/Leo (Yi) Liu/

Leo (Yi) Liu

Sole Panelist

Date: October 17, 2025