

ADMINISTRATIVE PANEL DECISION

Celsius Holdings, Inc. v. 王 士飞
Case No. D2025-3558

1. The Parties

The Complainant is Celsius Holdings, Inc., United States of America (“U.S.”), represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is 王 士飞, China.

2. The Domain Name and Registrar

The disputed domain name <celsivs.top> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 3, 2025. On September 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 4, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 8, 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 September 11, 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 September 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 6, 2025.

The Center appointed Michael D. Cover as the sole panelist in this matter on October 9, 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 company which is part of the group of companies affiliated to Celsius Inc. (jointly referred to as “Celsius”). The Complainant was founded in 2004 and is a global functional beverage company with a portfolio of products, including its flagship CELSIUS brand of functional beverages in ready-to-drink (liquid) and powder form. Celsius develops, processes, markets, sells, manufactures, and distributes differentiated products with innovative formulas, many of which are clinically proven in the U.S., as premium lifestyle beverages designed to fuel active and wellness-oriented consumers. The Complainant’s portfolio primarily consists of functional beverages but also includes other wellness products offered under the CELSIUS brand and, following its acquisition of Alani Nutrition LLC (“Alani Nu”) on April 1, 2025, the ALANI NU brand, which together serve a broad range of consumers across the functional energy and other adjacent wellness categories.

The Complainant’s products are available in the U.S., Canada, Europe, the Middle East, and the Asia-Pacific regions. They are sold through multiple channels, including conventional grocery, natural-food and convenience stores, fitness centers, mass market and vitamin-specialty retailers, and e-commerce platforms.

Celsius’ full-year revenue in 2024 was USD 1.36 billion. For the three months ending June 30, 2025, Celsius’ revenue totaled approximately USD 739.3 million, compared to USD 402.0 million for the prior-year period, representing 84 percent growth. Celsius’ revenue grew 9 percent in the second quarter of 2025 compared to the same period last year supported by favorable channel mix, increases in total distribution points and velocity gains. International revenue for the Complainant totaled USD 24.8 million for the second quarter of 2025, representing a 27 percent increase compared to the same period in 2024 driven by continued momentum in the Complainant’s expansion markets including the United Kingdom, Ireland, France, Australia, New Zealand, and Netherlands (Kingdom of the). The Celsius official websites are at “www.celsius.com” and “www.celsiusholdingsinc.com”.

The Complainant is the proprietor of the trademark CELSIUS, which is registered as a trademark throughout the world, including the following:

- International Registration No. 931326, CELSIUS, registered July 16, 2007 in Class 32;
- International Registration No. 1663288, C CELSIUS (& device), registered April 11, 2022 in Classes 30 and 32;
- United States Registration No. 97365009, C CELSIUS LIVE FIT (& device), registered May 30, 2023 in Class 5, 30, and 32.

The Disputed Domain Name was registered on April 27, 2025.

The Disputed Domain Name resolves to a website which details the provider as Celsius, Inc. The Disputed Domain is linked to an online shop offering CELSIUS 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.

Identical or Confusingly Similar

The Complainant submits that the first element of the UDRP is met.

The Complainant sets out that it owns a large portfolio of trademarks for its CELSIUS name and brand, which trademark is well known. The Complainant notes that the Disputed Domain Name is linked to an online shop at “www.celsivs.top”, which, says the Complainant, purports to be the Complainant, and the Complainant also states that this website makes unauthorized use of the Complainant’s copyright content. The Complainant submits that this website is misleadingly purporting to be the Complainant and/or Celsius, Inc. or at least an official and authorized online retailer of the Complainant’s CELSIUS products.

The Complainant also submits that the Disputed Domain Name is visually and phonetically similar to the Complainant’s CELSIUS trademarks. The Complainant submits it is well accepted that the test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the Disputed Domain Name to assess whether the trademark is recognizable within the Disputed Domain Name.

The Disputed Domain Name adopts a virtually identical mark to the Complainant’s CELSIUS trademarks, with the only difference being the use of the letter “v”, instead of the letter “u”, says the Complainant. The Complainant also submits that this minor typographical change constitutes an intentional misspelling of the Complainant’s CELSIUS trademark to create confusion. The Complainant states that the dominant features of the CELSIUS name and trademark remain recognizable.

The Complainant notes that it is well established that the applicable Top-Level Domain (“TLD”) in a domain name is viewed as a standard registration requirement and, as such, is to be disregarded under the first element confusingly similarity test and cites WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11. The Complainant concludes that it cannot be questioned that the Disputed Domain Name is confusingly similar to the CELSIUS trademark registrations of the Complainant and that the first element of the UDRP is met.

Rights or Legitimate Interests

The Complainant sets out that the Respondent is not known or in any way related to the Complainant and is not authorized to use the CELSIUS trademarks or a mark confusingly similar thereto, such as “celsivs”, and that the Complainant has made a prima facie case that the Respondent lacks any right or legitimate interest in the Dispute Domain Name.

The Complainant submits that the Respondent is not making a legitimate noncommercial of fair use of the Disputed Domain Name and that, in this case, there can be no doubt that internet users are clearly misled regarding the relationship between the website in question and the website and the Complainant. The Complainant concludes that the Disputed Domain Name cannot be considered bona fide offering of goods and does not establish a legitimate interest on behalf of the Respondent and that the second element of the UDRP is met.

Registered and Used in Bad Faith

The Complainant submits that it is evident from the Respondent’s use of the Disputed Domain Name that the Respondent knew of the Complainant’s CELSIUS trademark when registering the Disputed Domain Name and that the Disputed Domain Name was registered after the Complainant’s CELSIUS trademark was registered. The Complainant submits that it is evident from the Respondent’s use of the Disputed Domain Name that the Respondent registered and used the Disputed Domain Name with the intention to attract for commercial gain internet users to the website by creating a likelihood of confusion with the Complainant’s CELSIUS as to the source, sponsorship, affiliation or endorsement of its website or location, which constitutes registration and use in bad faith.

The Complainant concludes that, therefore, the third element of the Policy is met.

The Complainant requests that the Panel decide that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and 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 its CELSIUS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the CELSIUS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Disputed Domain Name contains an obvious misspelling of the Complainant's CELSIUS trademark and so the misspelled trademark remains recognizable the Disputed Domain Name ("[WIPO Overview 3.0](#)"), section 1.9.

It is also well-established in prior UDRP Decisions that the applicable generic TLD, in this case ".top", is a standard registration requirement and is to be ignored in considering confusing similarity.

The Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trademark CELSIUS, in which the Complainant has rights and that 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 dispute 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 dispute 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 Respondent has not demonstrated, before notice of the dispute, use or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services, that the Respondent has been commonly known by the Disputed Domain Name or that the Respondent is making legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

In addition, Panels have held that the use of a disputed domain name for illegitimate activity, here, 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 Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name and that 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 notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the disputed domain name by creating a likelihood of confusion with the Complainant's CELSIUS trademark.

Panels have held that the use of a disputed domain name for illegitimate activity, here, impersonation/passing off, 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 Respondent has registered and is using the Disputed Domain Name in bad faith and 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 <celsivs.top> be transferred to the Complainant.

/Michael D. Cover/

Michael D. Cover

Sole Panelist

Date: October 16, 2025