

ADMINISTRATIVE PANEL DECISION

Supplying Demand, Inc dba Liquid Death v. Herbert Hedstrom, Herbert
Case No. D2025-3960

1. The Parties

Complainant is Supplying Demand, Inc dba Liquid Death, United States of America ("U.S."), represented by Com Laude Limited, United Kingdom.

Respondent is Herbert Hedstrom, Herbert, U.S.

2. The Domain Name and Registrar

The disputed domain name <theliquiddeath.com> (the "Domain Name") is registered with Cosmotown, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 30, 2025. On October 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 3, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Private Whois) and contact information in the Complaint. The Center sent an email communication to Complainant on October 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on October 7, 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 Respondent of the Complaint, and the proceedings commenced on October 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 31, 2025.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on November 6, 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

Complainant, Supplying Demand, Inc dba Liquid Death, is an American beverage company that was established in 2017. It owns a global portfolio of registered trademarks for the LIQUID DEATH Mark or the “Mark” including: U.S. Trademark Registration Nos. 5,430,064 (registered March 20, 2018) and 5,971,065 (registered January 28, 2020).

Complainant manufactures and sells in conjunction with the Mark a variety of nonalcoholic canned beverages, including iced tea, juice-spiked teas and most famously sparkling water. Those products are sold in over 133,000 stores worldwide, including major retailers like Whole Foods, Target, 7-Eleven, Walmart, and Amazon. In 2023, Complainant reported a revenue of USD 262 million.

Complainant also offers a range of related merchandise products featuring the LIQUID DEATH Mark, including, shirts, sweatshirts, trousers, hats, reusable bottles, mugs, and can coolers. In 2023, Complainant partnered with the band “Metallica” for their M72 World Tour, creating limited-edition merchandise, including t-shirts and sweatshirts.

Complainant operates its official website from the domain name <liquiddeath.com> (“Complainant’s Website”). Also, Complainant operates several social media accounts, which combined have over 14.6 million followers.

The Domain Name was registered on May 9, 2025. It resolves to a live website which offers what appears to be Complainant’s goods at a significant discount of up to 80%. Respondent’s website (the “Website”) is nearly identical to Complainant’s Website, for example the Website: (1) prominently displays on every page Complainant’s LIQUID DEATH Mark in the same logotype that Complainant uses; (2) uses revolving images on the upper portion of the Website that are the same ones Complainant uses on its website, or of the same ilk, to display the same products sold under the Mark and it uses the same language with the same images (e.g., “My Husband Loves This Water”, “You Won’t Believe It’s Not Soda”, “75% Less Sugar Than Top Iced Teas”); (3) depicts the same product cans as Complainant uses for its products; (4) uses some of the same “tabs” or topical sections (e.g., “Shop All”, “Beverages”, “Merch”, “Best Sellers”, “Hats + Beanies”, “Bottoms”, “Lifestyle”, “Collabs”, “Last Chance” and “Country Club Exclusives”); (5) uses the same product descriptions; and (6) sells merchandise that looks the same as Complainant sells.

Beyond the Website, Respondent has included meta data within the HTML file, namely favicon and the title. That is, Respondent’s favicon and title are: “Liquid Death – Murder Your Thirst”, whereas Complainant’s favicon and title are: “Liquid Death | Murder Your Thirst”.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. Notably, Complainant contends:

The Domain Name incorporates Complainant’s LIQUID DEATH Mark in its entirety, differing only by the additional definitive article “the”. That does nothing to distinguish the Domain Name from the Mark and it increases the potential for confusion by implying the Domain Name is Complainant’s official domain name. Internet users who see the Domain Name will likely perceive it as a domain name belonging to Complainant,

or at least an entity related to or endorsed by Complainant. The Top-Level Domain <.com> is required only for technical reasons and can be ignored for comparison of the Domain Name with the Mark.

There is no evidence that Respondent has been commonly known as LIQUID DEATH or THE LIQUID DEATH before or after registering the Domain Name. Respondent is not a licensee of Complainant and has not received any permission or consent from Complainant to use the Mark. Furthermore, there is no evidence that Respondent owns any trademarks incorporating the LIQUID DEATH Mark or THE LIQUID DEATH and that Respondent has ever traded legitimately under either.

Respondent is not making a legitimate noncommercial or fair use of the Domain Name because: (1) the nature of the Domain Name carries a risk of implied affiliation; (2) Respondent is not a reseller, distributor, or service provider of Complainant's products, and has not received permission from Complainant to act in any of those capacities, use the Mark for any purpose, or use Complainant's copyrighted material on the Website; and (3) the Website fails the *Oki Data* test (i.e., Respondent is not an authorized distributor, the Website only offers Complainant's goods which are likely to be counterfeit, parallel import or grey market goods, and there is no disclaimer). The Domain Name is not being used in connection with a bona fide offering of goods or services because Respondent's purpose is to deceive Internet users into believing that the Website is operated by or associated with Complainant and the Website does not contain any disclaimers or make clear the lack of relationship between the Parties here.

Respondent has registered and used the Domain Name in bad faith because: (1) the Domain Name incorporates Complainant's Mark in its entirety, merely adding the prefix "the". Internet users seeing the Domain Name in search engine results would reasonably assume that it is operated by, connected with, or endorsed by Complainant; (2) Complainant's Website is located at the highly similar domain name <liquiddeath.com>; (3) the Website is inherently confusing as it is closely imitating Complainant's Website; and (4) Respondent is not displaying any kind of disclaimer or undertaken any other reasonable steps to avoid confusion between it and Complainant.

B. Respondent

Respondent did not reply to 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 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.

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 entirety of the Mark is reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "the" 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 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

It is uncontroverted that Respondent: (1) has not been commonly known by the Mark or the Domain Name at any time; (2) is not a licensee of Complainant and has not received any permission or consent from Complainant to use the Mark; and (3) does not own any trademarks incorporating the LIQUID DEATH Mark or the Domain Name and has never traded under either one.

Panels have held that the use of a domain name for illegitimate activity here the possible sale of counterfeit goods and the impersonation and passing off of Respondent as Complainant can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 notes that Respondent: (1) registered a confusingly similar Domain Name that incorporates the Mark years after Complainant began using the Mark; (2) registered the Domain Name that incorporates the Mark in its entirety; (3) is using the Domain Name in conjunction with the Website which, as described above, is impersonating Complainant’s website and in so doing, is passing itself off as Complainant; and (4) registered the Domain Name which is the same as Complainant’s domain name except that it adds the word “the”. The Panel concludes that Respondent knew of Complainant and its rights in the Mark when registering the Domain Name and, thus, registered it in bad faith.

Panels have held that the use of a domain name for illegitimate activity here, claimed as the possible sale of counterfeit goods and impersonating and passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent’s registration and use of the Domain Name constitutes bad faith under the Policy. For example, as described above, because the Website copies much of Complainant’s website in style and content, it is inherently confusing. Given that Respondent is not authorized to operate a website under the Mark nor is it using a disclaimer, the Website increases the potential for confusion and negatively impacting Complainant’s business thus demonstrating that the Domain Name was registered and is being used in bad faith.

The Panel finds that 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 Domain Name <theliquiddeath.com> be transferred to Complainant.

/Harrie R. Samaras/

Harrie R. Samaras

Sole Panelist

Date: November 14, 2025