

ADMINISTRATIVE PANEL DECISION

Celsius Holdings, Inc. v. 杨勇波 (yongbo), 博思云科技（浙江）有限公司
(Boss Cloud Technology (Zhejiang) Co., Ltd.)

Case No. D2025-4504

1. The Parties

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

The Respondent is 杨勇波 (yongbo), 博思云科技（浙江）有限公司 (Boss Cloud Technology (Zhejiang) Co., Ltd.), China.

2. The Domain Name and Registrar

The disputed domain name <sparklingwatercelsius.com> is registered with Xin Net Technology Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 31, 2025. On October 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 3, 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 (Private Registration) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 4, 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 in English on November 6, 2025.

On November 4, 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 November 6, 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 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 in Chinese and English of the Complaint, and the proceedings commenced on November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 3, 2025.

The Center appointed Rachel Tan as the sole panelist in this matter on December 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 a company based in the United States and is a global functional beverage company established in 2004 that owns a portfolio of products, including its flagship Celsius brand of functional beverages in ready-to-drink (liquid) and power form. The Complainant’s products are available through multiple physical and online channels in the United States, Canada, Europe, the Middle East and the Asia-Pacific region. The Complainant’s full year revenue in 2024 was USD1.36 billion.

The Complainant is the owner of the CELSIUS mark in different jurisdictions. For example, International Registration No. 931326 for CELSIUS registered on July 16, 2007, in Class 32; United States Registration No. 3667840 for CELSIUS registered on August 11, 2009, in Class 5 and

International Registration No. 1663288 for  registered on April 11, 2022, in Classes 30 and 32, designating Japan.

The disputed domain name was registered on July 30, 2025. At the time of the Complaint and the Decision, the disputed domain name resolved to a website in English which purported to be an online shop and allegedly offered for sale the Complainant’s products. The website prominently

displayed the Complainant’s CELSIUS mark and a logo that is similar to . It was alleged that the website made unauthorised use of the Complainant’s copyrighted content from the Complainant’s website.

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 or confusingly similar to the Complainant’s CELSIUS mark. The disputed domain name consists of the CELSIUS mark completely. Further, the generic Top-Level Domain (“gTLD”), i.e. “.com.” is generally disregarded when assessing the similarity.

The Complainant further alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant in any way and has not been authorised by the Complainant to use its CELSIUS mark, nor to seek registration of any domain name incorporating said mark. Additionally, the Respondent is not commonly known by the name Celsius. Moreover, the Respondent’s behavior indicates a clear intent to obtain unfair commercial gain by misleadingly diverting consumers and tarnishing the trade marks owned by the Complainant. There is no

bona fide offering of goods, as the Respondent does not prominently and accurately disclose its lack of relationship with the Complainant.

Finally, the Complainant argues that the disputed domain name was registered and is being used in bad faith. Given the well-known character of the Complainant's CELSIUS mark worldwide, the Respondent must have been aware of the Complainant and its trade mark at the time of registering the disputed domain name. The Respondent's actual knowledge is further reinforced by the fact that the disputed domain name resolved to a website that uses the Complainant's copyright-protected content. The registration and use of the disputed domain name indicate that the Respondent is using it primarily for the purpose of creating a likelihood of confusion with the Complainant's CELSIUS mark regarding the source, affiliation, or endorsement of the Respondent's website.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: 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 proceeding 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 (i) the disputed domain name is in Latin script and not in Chinese characters; (ii) the website under the disputed domain name is in English, suggesting the Respondent's knowledge of English; (iii) the Complainant being an American entity has no knowledge of Chinese and to require the Complainant to translate the Complaint and all supporting documents into Chinese would cause an unnecessary burden to the Complainant; and (iv) English is a common language in global business.

The Respondent did not make any specific 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).

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

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 entirety of the mark is reproduced 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.

Although the addition of another term here, “sparklingwater”, 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 disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Lastly, it is permissible for the Panel to disregard the applicable gTLD in the disputed domain name, i.e., “.com”. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available information, 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 Respondent has not provided evidence of a legitimate noncommercial or fair use of the disputed domain name or reasons to justify its choice of one that is confusingly similar to the Complainant’s CELSIUS mark. Further, there is no indication in the case file to show that the Respondent is commonly known by the disputed domain name or otherwise has rights or legitimate interests in any of them. In addition, the Complainant has not granted the Respondent a license or authorisation to use the Complainant’s CELSIUS mark or register the disputed domain name.

The disputed domain name currently resolves to a website which allegedly attempts to impersonate the Complainant, offering the Complainant’s products and prominently displaying the Complainant’s CELSIUS

mark and a logo similar to the Complainant’s registered logo . The Respondent is not the Complainant’s authorised dealer or reseller. The website does not accurately and prominently disclose a lack of a relationship between the Complainant and the Respondent. Therefore, the facts do not support a claim of a bona fide offering of goods or services under the “Ok! Data test”. See *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The Panel also finds that the disputed domain name is inherently misleading. [WIPO Overview 3.0](#), section 2.5.1.

None of the circumstances in paragraph 4(c) of the Policy are present in this case. For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

Based on the available information, 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 the disputed domain name was registered eighteen years after the registration of the Complainant's CELSIUS mark recorded under section 4 of this Decision. Top search results using the key word "celsius" and "beverages" on search engines direct Internet users to the Complainant and its business, which indicates that a strong connection between the mark and the Complainant has been established. The Panel notes that the disputed domain name resolves to a website that displayed the Complainant's mark, a similar logo to that of the Complainant, and photos of the Complainant's products. As such, the Respondent clearly knew of the Complainant's marks and targeted them when registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Furthermore, the Panel considers the mere registration of a domain name that is confusingly similar to a well-known trade mark by an unaffiliated person can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Panel notes that the disputed domain name resolves to a website purportedly offering Celsius-branded products and displaying the Complainant's mark. A prominent and accurate disclaimer that the Respondent is not affiliated with the Complainant is absent. The Panel is satisfied that the Respondent intentionally created a likelihood of confusion with the Complainant's CELSIUS mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This demonstrates bad faith registration and use of the disputed domain name, as provided in paragraph 4(b)(iv) of the Policy.

Given all the circumstances of the case, the Panel finds that the Respondent must have known of the Complainant when registering the disputed domain name, and considering the Respondent's lack of rights or legitimate interests, and by registering and using the disputed domain name as discussed above as well as continuing to hold the disputed domain name, the Panel is led to conclude that the disputed domain name was registered and is being used in bad faith.

Based on the available information, 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 <sparklingwatercelsius.com> be transferred to the Complainant.

/Rachel Tan/

Rachel Tan

Sole Panelist

Date: December 22, 2025