

## **ADMINISTRATIVE PANEL DECISION**

Energizer Brands, LLC v. Cong ty TNHH Thuong mai Dich vu va Du lich Trang An, Cong ty TNHH DigiPower (DigiPower Co.,Ltd.)  
Case No. D2026-0028

### **1. The Parties**

The Complainant is Energizer Brands, LLC, United States of America, represented by Rouse Legal Vietnam Ltd., Viet Nam.

The Respondent is Cong ty TNHH Thuong mai Dich vu va Du lich Trang An, Cong ty TNHH DigiPower (DigiPower Co.,Ltd.), Viet Nam.

### **2. The Domain Name and Registrar**

The disputed domain name <energizer1165.com>, (the “Domain Name”) is registered with OnlineNic, Inc. d/b/a China-Channel.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 6, 2026. On January 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 7, 2026, 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 (Trang An Tourist – Service & Trading Co, Ltd) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 7, 2026, 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 January 8, 2026.

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 January 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 4, 2026.

The Center appointed Nicholas Smith as the sole panelist in this matter on February 16, 2026. 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 United States company that is a leading manufacturer of batteries, battery-powered devices and lighting solutions. In particular the Complainant has developed a significant global reputation in its battery products which it offers under a trademark consisting of the word “Energizer” (“ENERGIZER Mark”), and promotes its products through its website at “www.energizer.com,” which it has held since 1995.

The Complainant has trademark registrations for the ENERGIZER Mark in numerous jurisdictions including Viet Nam, the location of the Respondent, (Registration No. 19151, registered November 23, 1995, for goods in classes 9, and 11).

The Domain Name was registered on September 11, 2018. The Domain Name resolves to a website (the “Respondent’s Website”) that purports to offer battery products under the ENERGIZER brand. The Respondent’s Website also displays an ENERGIZER logo and reproduces copyrighted images of the Complainant’s 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 Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of trademarks consisting of the word “Energizer” registered in various jurisdictions. The Domain Name is confusingly similar to these marks as it merely adds the term “1165” and the generic Top-Level Domain (“gTLD”) “.com” to the mark.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the ENERGIZER Mark. The Respondent is not commonly known by the ENERGIZER Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather the Respondent is using the Domain Name to pass off as the Complainant for commercial gain by, without the Complainant’s permission, reproducing the Complainant’s ENERGIZER brand, related device elements and purporting to offer the Complainant’s goods. Such use is not a legitimate use of the Domain Name.
- c) The Domain Name was registered and is being used in bad faith. The Respondent is using the Domain Name to divert Internet users searching for the Complainant to the Respondent’s Website to disrupt the Complainant’s business and for commercial gain. Such conduct amounts to registration and use of the Domain Name in bad faith.

##### **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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

Although the addition of other terms here, "1165", 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 3.1](#), 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 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 3.1](#), 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.1](#), section 2.2.

- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.1](#), section 2.3.

- the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.1](#), section 2.4.

- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The Respondent has used the Domain Name to operate a website selling battery products that purport to be legitimate ENERGIZER battery products. It is unclear whether the products sold are counterfeit or genuine products produced by the Complainant. If the battery products sold on the Respondent's Website are not genuine products produced by the Complainant, the Respondent's use of the Domain Name does not grant it rights or legitimate interests since it is using the Complainant's ENERGIZER Mark for a website selling counterfeit products.

Even if the Respondent is offering genuine Complainant's products from the Respondent's Website, such use does not automatically grant it rights or legitimate interests. The principles that govern whether a reseller of genuine goods has rights or legitimate interests have been set out in a variety of UDRP decisions, starting with the case of *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Okidata test").

The [WIPO Overview 3.1](#), section 2.8.1 summarizes the consensus views of UDRP panels in assessing claims of nominative (fair) use by resellers or distributors in the following manner:

"Panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the 'Okidata test', the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to 'corner the market' in domain names that reflect the trademark.

The 'Okidata test' does not apply where any prior agreement, express or otherwise, between the parties expressly prohibits (or allows) the registration or use of domain names incorporating the complainant's trademark."

In this case, the Respondent's Website does not accurately or prominently disclose the Respondent's relationship with the Complainant, in particular that it is not an authorized dealer or has any particular connection with the Complainant. Rather the absence of a disclaimer, the presence of a logo incorporating ENERGIZER with similar stylization used by the Complainant, the use of the Complainant's artwork and the absence of any information identifying the Respondent or its business identity (other than ENERGIZER) results in the impression that the Respondent's Website is an official website of the Complainant or an authorized reseller. In the circumstances of this case, even in the event that the Respondent is reselling genuine Complainant's products, its use of the Domain Name for the Respondent's Website does not grant it rights or legitimate interests in the Domain Name. Moreover, the nature of the Domain Name itself, which incorporates the Complainant's mark and a generic number "1165", coupled with the use of the Domain Name as described above, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the Domain Name and the Complainant as to the origin or affiliation of the website at the Domain Name.

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.

The Panel finds that the Respondent must have been aware of the Complainant and its ENERGIZER brand at the time the Respondent registered the Domain Name. The Respondent has provided no explanation, and neither is it immediately obvious, why an entity would register a domain name that wholly incorporates the ENERGIZER Mark and direct it to a website purportedly offering battery products under the Complainant's ENERGIZER brand (without providing a disclaimer or any information about its own identity, thus failing to comply with the requirements of the Oki Data test) unless there was an awareness of and an intention to create a likelihood of confusion with the Complainant and its ENERGIZER Mark. The registration of the Domain Name in awareness of the ENERGIZER Mark and in the absence of rights or legitimate interests amounts under these circumstances to registration in bad faith.

The Panel considers that the record of this case reflects that the Respondent purported to offer battery products, be they genuine or otherwise, under the Complainant's ENERGIZER brand on the Respondent's Website without the Complainant's approval and without meeting the Oki Data test. The Panel finds that the Respondent is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the ENERGIZER Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.1](#), section 3.1.4.

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 Domain Name <energizer1165.com> be transferred to the Complainant.

*/Nicholas Smith/*

**Nicholas Smith**

Sole Panelist

Date: February 23, 2026