

ADMINISTRATIVE PANEL DECISION

Monster Energy Company v. Gottfried Hertz
Case No. D2026-0774

1. The Parties

The Complainant is Monster Energy Company, United States of America (the “United States”), represented by Knobbe, Martens, Olson & Bear, LLP, United States.

The Respondent is Gottfried Hertz, Germany.

2. The Domain Name and Registrar

The disputed domain name <monster-energy.org> (the “Disputed Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 23, 2026. On February 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 25, 2026, 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 Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 25, 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 amended Complaint on February 27, 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 March 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 30, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on April 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 in the business of designing, creating, developing, marketing, and selling beverages. In early 2002, the Complainant introduced its MONSTER ENERGY drinks in the United States followed by international expansion in many other countries, including Germany. Sales have increased every year since the brand's launch. As of 2025, worldwide retail sales currently exceed 7.7 billion cans per year with estimated retail sales exceeding USD 16 billion per year.

The Complainant holds numerous worldwide trademark registrations for or including MONSTER and MONSTER ENERGY, such as the following:

- the European Union Trademark Registration number 011154739 for M MONSTER ENERGY (figurative), filed on August 31, 2012, registered on January 9, 2013, covering goods in International Classes 5, 16, 25, 30, 32;
- the European Union Trademark Registration number 011669744 for MONSTER ENERGY (word), filed on March 19, 2013, registered on October 24, 2013, covering goods in International Classes 14, 24; and
- the United States Trademark Registration number 3134842 for M MONSTER ENERGY (word), filed on May 7, 2003, registered on August 29, 2006, covering goods in International Class 32.

The MONSTER ENERGY marks are the subject of substantial and continuous marketing and promotion. The Complainant spends approximately USD 150 million per year on athlete and event sponsorships.

Also, the presence of the Complainant's MONSTER ENERGY trademarks on social media websites is significant. In 2020 alone, the Complainant's various social media channels had over 236 million fan engagements; in 2025 the Complainant had more than 2.9 million followers on X, more than 9.5 million followers on Instagram, and more than 4 million followers on TikTok.

The Complainant owns domain names incorporating the MONSTER ENERGY mark, the main one being <monsterenergy.com>, at which it launched its website on August 19, 2003, and receives thousands of unique visitors each month.

The Disputed Domain Name was registered on February 16, 2026 and, at the time of filing the Complaint, it resolved to an error page.

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 Complainant has continued to use the MONSTER ENERGY trademarks in connection with its drinks since 2002. The MONSTER ENERGY trademarks have developed into famous identifiers of the Complainant's line of MONSTER ENERGY branded drinks;

- the Disputed Domain Name is functionally identical to the Complainant's MONSTER ENERGY trademark since it incorporates it in its entirety with the addition of a hyphen;

- the Respondent has no rights or legitimate interests in the Disputed Domain Name, the Complainant has not authorized, licensed, or permitted the Respondent, nor any person or entity, to use its trademarks in connection with registering a domain name, there is no evidence that the Respondent has been or was commonly known by the Disputed Domain Name, nor making a legitimate noncommercial or fair use of the Disputed Domain Name;

- the Respondent has registered and is using the Disputed Domain Name in bad faith in particular because: (i) the MONSTER ENERGY trademark has become well-known in the United States and internationally well before the registration of the Disputed Domain Name. The first of the Complainant's United States trademark registrations for its MONSTER ENERGY is 20 years before the Respondent registered the Disputed Domain Name; (ii) given the Complainant's numerous trademark registrations for, and the Complainant's extensive international reputation in, the mark MONSTER ENERGY, it is "not possible to conceive of a plausible situation in which the Respondent would have been unaware" of the Complainant and the Complainant's well-known MONSTER ENERGY trademarks; and (iii) the Respondent's passive holding of the Disputed Domain Name, which is identical to the Complainant's trademarks, is evidence of bad faith registration and use under Policy.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the Disputed Domain Name; and
- (iii) 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. See WIPO Overview of WIPO Panel Views on Select 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](#), sections 1.2.1. and 1.4.1.

The entirety of the MONSTER ENERGY trademark is reproduced within the Disputed Domain Name, with an additional hyphen separating the two words composing the mark.

Accordingly, the Disputed Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 the 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 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 notes the composition of the Disputed Domain Name, reproducing exactly the Complainant’s trademark well-known internationally, and being highly similar to the Complainant’s domain name, and these facts reflect the Respondent’s ultimate intent to confuse unsuspecting Internet users into believing that the Disputed Domain Name is operated by the Complainant.

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 in bad faith, with knowledge of the Complainant and its trademark particularly since it reproduces exactly the Complainant’s mark, which is well known worldwide and was registered with at least twenty years before the Disputed Domain Name was created. Further on, the Disputed Domain Name is highly similar to the Complainant’s domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

At the time of filing the Complaint, the Disputed Domain Name resolved to an error page. UDRP panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. The Panel notes the distinctiveness and international reputation of the Complainant’s trademark; the composition of the Disputed Domain Name; the Respondent’s failure to provide a response in this procedure and the use of inaccurate postal contact details in the Whois (as the address lists Germany but the street corresponds to an address located in the United States) and finds that, in the circumstances of this case, the passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.1](#), section 3.3.

Previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith for the purpose of Policy. [WIPO Overview 3.1](#), section 3.1.4.

The Panel finds the third element of the Policy has been established.

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, <monster-energy.org>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: April 30, 2026