

ADMINISTRATIVE PANEL DECISION

Xiamen Hithium Energy Storage Technology Co., Ltd. v. Ashok Ramesh
Case No. D2026-2234

1. The Parties

The Complainant is Xiamen Hithium Energy Storage Technology Co., Ltd., China, represented by Will Chen, China.

The Respondent is Ashok Ramesh, India.

2. The Domain Name and Registrar

The disputed domain name <reliancehithiumleaks.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 26, 2026. On May 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 26, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name confirming the named Respondent (Ashok Ramesh) and contact information in the Complaint.

The Center requested clarification from the Complainant regarding the mutual jurisdiction clause. The Complainant filed an amended complaint on May 27, 2026.

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 May 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 17, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on June 17, 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

Little information is supplied in the Complaint concerning the Complainant's business, other than to state that the Complainant operates in the energy storage battery industry under the HITHIUM mark.

The Complainant's mark is the subject of the following registrations, amongst others:

- Chinese Trademark Registration No. 47427287 HITHIUM (word) in class 9, having a registration date of March 7, 2021; and
- International Trademark Registration No. 1686296 HiTHIUM (stylised) in class 9, having a registration date of June 28, 2022, designating, amongst others, India.

The disputed domain name was registered on August 12, 2025, and presently resolves to a website entitled "RelianceHithiumLeaks" featuring criticism of a proposed partnership between the Complainant and the Indian business Reliance Industries. The following statement is representative of the nature of the rest of the content on the website: "Hithium is planning on using Reliance Industries as a trojan horse to destroy India's economic competitiveness and make India dependent on Chinese Technology."

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 was registered and has been used in bad faith in order to deliberately mislead users and disparage the Complainant.

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 disputed domain name. 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](#), 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 3.1](#), section 1.7.

Although the addition of other terms (here “reliance” and “leaks”) may bear on assessment of the second and third elements, the Panel finds that the Complainant’s HITHIUM mark remains recognizable within the disputed domain name, and the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Given the content of the disputed domain name’s website criticizing a partnership between the Complainant and the Indian business Reliance Industries, it is probable that the term “reliance” within the disputed domain name was intended to refer to Reliance Industries. Per the [WIPO Overview 3.1](#), section 1.12, where a complainant’s trademark is recognizable within the disputed domain name, as in this case, the addition of other third-party marks is insufficient in itself to avoid a finding of confusing similarity to the complainant’s mark under the first element.

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

B. Rights or Legitimate Interests

The disputed domain name has been used to criticize the Complainant and its partnership with an Indian business. As such, the Respondent may have legitimate interests under paragraph 4(c)(iii) of the Policy based on fair use of the disputed domain name for purposes of noncommercial criticism. [WIPO Overview 3.1](#), section 2.6.

As set out in the [WIPO Overview 3.1](#), section 2.6.1, in order to confer legitimate interests, such criticism must be genuine and noncommercial and it should not be a pretext for cybersquatting, commercial activity, or tarnishment.

A key consideration in making this assessment is the composition of the disputed domain name itself. As set out in the [WIPO Overview 3.1](#), section 2.6.3, if the domain name consists of the mark plus a derogatory term (e.g., <trademarksucks.tld>), UDRP panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a criticism site if such use is prima facie noncommercial, genuinely fair, and not misleading or false. Here, the disputed domain name includes the term “leaks”, which the Complainant itself states “carries an unmistakably negative and damaging connotation”. As such, that term operates in a conceptually similar way to “sucks” and will operate to distinguish the disputed domain name from any official presence of the Complainant in the minds of users, who are unlikely to believe that the Complainant would, of its own accord, register a domain name incorporating a term that suggests something negative about its brand. The composition of the disputed domain name including this term thus does not prima facie create an impermissible risk of confusion and is likely to signal to Internet users that the disputed domain name is associated with criticism or commentary concerning the Complainant.

While the Complainant claims that the content on the disputed domain name’s website shows the Respondent’s bad faith and intent to tarnish the Complainant’s trademark, there is nothing on the face of the disputed domain name’s website or in the record indicating clearly that the Respondent’s motivation behind the criticism is not genuine. Thus, establishing whether or not the Complainant is correct in this regard would necessarily involve the Panel considering, in detail, the veracity of the material featured on the disputed domain name’s website. Assessing whether or not the Respondent’s criticism of the Complainant has any merit or is defamatory is beyond the scope of a cybersquatting enquiry under the Policy, and this is best left to the courts. See *MUFG Union Bank, N.A. v. William Bookout*, WIPO Case No. [DME2014-0008](#).

See also the [WIPO Overview 3.1](#), section 2.6.1, where it is stated:

“In assessing the genuineness of criticism, mindful that there may be a difference of opinion or factual dispute between the parties, panels do not look at the veracity or accuracy of the criticism as such, nor any allegations that the criticism is defamatory in nature; rather they will look at whether the motivation behind the criticism is genuine, as opposed to being a sham or pretext to hide another motive such as cybersquatting or commercial activity.”

The Panel's neutrality on the veracity of the Respondent's criticism should not, however, be taken as the Panel endorsing these claims as true. Rather, it is a reflection of it simply not being vested with the substantive or evidentiary tools available to a court to consider the merits.

As far as the Panel can tell, the Respondent's website is noncommercial. There are no advertisements, no promotion of any business activities of any party, there is no evidence that the Respondent is a competitor of the Complainant, nor is there any other evidence that the Respondent has operated this website for any commercial purpose or to take an unfair advantage of the Complainant.

There are also no indicia of tarnishment or cybersquatting. To be clear, unwanted criticism is not tarnishment; the latter refers to

unseemly conduct such as linking unrelated pornographic, violent or drug-related images, or information meant to disparage an otherwise wholesome mark. See *Dover Downs Gaming & Entertainment, Inc. v. Domains By Proxy, LLC / Harold Carter Jr, Purlin Pal LLC*, WIPO Case No. [D2019-0633](#). See also [WIPO Overview 3.1](#), section 3.12.

On the record before the Panel, it is more likely than not that the disputed domain name was registered and has been used for the purpose of genuine criticism of the Complainant. The Panel thus finds, on balance of probabilities, that the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

In light of the Panel's findings in relation to the second element, there is no need for the Panel to consider the third element.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: June 18, 2026