

ADMINISTRATIVE PANEL DECISION

Xiamen Hithium Energy Storage Technology Co., Ltd. v. Sunita Dwivedi
Case No. D2026-2235

1. The Parties

The Complainant is Xiamen Hithium Energy Storage Technology Co., Ltd., China, represented internally.

The Respondent is Sunita Dwivedi, India.

2. The Domain Name and Registrar

The disputed domain name <hithiumipo.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 which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 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 and an amended Complaint on May 27, 2026.

The Center verified that the Complaint together with the amendment to the Complaint and 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 27, 2025, and resolves to a website entitled "HITHIUMIPO - Unveiling The Truth Behind Xiamen Hithium's IPO", criticising the Complainant and its planned Initial Public Offering ("IPO").

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.

The Complainant contends as follows. The disputed domain name does not contain any modifier such as "sucks" that would indicate it is a criticism site. To the contrary, the term "IPO" directly associates the disputed domain name with the Complainant's business, and Internet users seeking information about the Complainant's IPO are likely to be misled into believing that the website is operated by or affiliated with the Complainant. The Respondent's publication of false and misleading content, including spreading rumors, goes beyond the bounds of legitimate, noncommercial criticism.

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 "ipo") 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 3.1](#), section 1.8.

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 planned IPO. 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 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 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. Where a domain name consists of a trademark plus an additional term (as in this case), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. UDRP panels have articulated a broad continuum of factors that are useful in assessing possible implied sponsorship or endorsement, which are set out in the [WIPO Overview 3.1](#), section 2.5.1.

The Panel's view is that the term "ipo" is one of those in-between terms articulated in the [WIPO Overview 3.1](#) at section 2.5.1: "In between, certain additional terms within the trademark owner's field of commerce or indicating services related to the brand, or which are not obviously critical (e.g., <okidataparts.com>, <nascartours.com>, <covancecampaign.com>, or <meissencollector.com>), may or may not by themselves trigger an inference of affiliation, and would normally require a further examination by the panel of the broader facts and circumstances of the case – particularly including the associated website content – to assess potential respondent rights or legitimate interests."

The term "IPO" may, as argued by the Complainant, suggest to Internet users that the disputed domain name relates to a website operated by the Complainant, providing information on its own planned IPO. However, the term "IPO" could also be interpreted by Internet users as relating to a website providing information on the Complainant's IPO operated by a third party. An IPO is, by definition, a matter of public interest, with stock being issued to the public, and the term "IPO" itself is not inherently indicative of affiliation with the company concerned. It is therefore not inconceivable that a third party unrelated to the Complainant might legitimately, without any cybersquatting intent, desire to use the term "IPO" in conjunction with the Complainant's mark to offer information or commentary concerning the Complainant's planned IPO. The disputed domain name is therefore not sufficiently clear in its implication of affiliation with the Complainant for the Panel to determine the issue solely with reference to the composition of the disputed domain name, and it is appropriate to consider the broader case context, including the disputed domain name's website.

While the Complainant claims, in effect, that the content on the disputed domain name's website shows the Respondent's bad faith through an intent to disparage 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.

Although not raised by the Complainant, the Panel has independently¹ viewed the Respondent's website and has established that it does solicit donations via a "Donate Now" link on its dropdown menu. There is therefore a possibility that the disputed domain name is a pretext for commercial gain. However, fair use need not always be categorically noncommercial in nature, and panels have found, in certain circumstances, that a degree of commercial activity may be permissible (e.g., as "fundraising" to offset registration or hosting costs associated with the domain name and website). [WIPO Overview 3.1](#), sections 2.5.3 and 2.6.3.

In this case, the Panel has followed the "Donate Now" link and found that it resolves to a webpage at the crowd funding website GoFundMe ("www.gofundme.com/f/essentials-fund") relating to an "Essentials Fund" which appears to be operated by GoFundMe itself (rather than any individual user) as an emergency fund for needy Americans. As such, there is no evidence that this fund is controlled by the Respondent or that the Respondent benefits from it. There is therefore insufficient evidence in the record showing that this donation link points to a pretext for commercial gain.

As far as the Panel can tell, there is no other evidence that the Respondent has operated this website for any commercial purpose. 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 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](#).

The content of the disputed domain name's website also makes it plain that it is not operated by or associated with the Complainant, and the "About Us" page expressly clarifies this by stating: "We are an independent investigative research collective committed to exposing financial deception, hidden partnerships, and geopolitical risks that threaten market transparency."

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 informational purpose of 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

¹ In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. [WIPO Overview 3.1](#), section 4.8.